

## CRIMINAL JUSTICE AND HUMAN RIGHTS

DOI: 10.46340/eppd.2026.13.2.1

### THE PUNITIVE CELL: SOLITARY CONFINEMENT AT THE INTERSECTION OF CRIMINOLOGY, LAW, AND HUMAN RIGHTS

**Dmytro Yagunov<sup>1</sup>** , Attorney at Law, D.Sc. in Political Science,  
Ph.D. in Public Administration, MSSc in Criminal Justice, Associate Professor,  
Merited Lawyer of Ukraine

<sup>1</sup> Eberhard Karls University, Vasyl Stus Donetsk National University

Email: d.yahunov@donnu.edu.ua

**Citation:** Yagunov, D. (2026). The Punitive Cell: Solitary Confinement at the Intersection of Criminology, Law, and Human Rights. *Evropský politický a právní diskurz*, 13, 2, 5-44. <https://doi.org/10.46340/eppd.2026.13.2.1>

#### Abstract

Solitary confinement – the isolation of a prisoner from meaningful human contact for twenty-two or more hours per day – remains one of the most institutionally resilient practices in contemporary penology. This article proceeds from a methodological repositioning: the question of whether solitary confinement is harmful has been definitively resolved. Its destructive impact upon physical and mental health, its failure to achieve any declared penological objective, and its role in provoking self-harm, suicide, and psychological disintegration constitute an empirical *axiom*. The central inquiry shifts to the structural: why, despite more than a century of clinical and criminological evidence, does solitary confinement remain embedded in prison systems worldwide?

The article integrates doctrinal analysis of ECtHR jurisprudence and CPT standards and reports, empirical synthesis across criminology and psychiatry, comparative legislative analysis across multiple jurisdictions, and critical-theoretical interpretation drawing on Foucault, Cohen, and Bauman. It reconstructs the normative architecture governing isolation – including the CPT's PLANN framework and the doctrinal arc from *Ramirez Sanchez v. France* (2006) to the structural incompatibility principle in *Schmidt and Šmigol v. Estonia* (2023) – situating this within the logic of carceral power.

Three undeclared functions sustain the practice: neutralisation of surplus populations, disciplinary terror as a mechanism of internal governance, and symbolic affirmation of state sovereignty. The article also analyses terminological substitution as a structural evasion mechanism, informal prison hierarchies in post-Soviet and comparable systems, and the political economy of punishment as an obstacle to reform. It concludes that solitary confinement persists not because it is effective, but because it is *institutionally convenient* – as a disciplinary instrument, a political symbol, and a substitute for systemic reform deferred by resource constraints and electoral calculation.

**Keywords:** solitary confinement, isolation in detention, penology, carceral state, social control, informal prison hierarchies, vulnerable populations, recidivism, political economy of punishment, prison reform.

## Background

Solitary confinement – the practice of isolating a prisoner from the general population and meaningful human contact for 22 or more hours *per day* – remains one of the most contested practices in contemporary penology.

It is a remarkably persistent and resilient carceral practice, deeply embedded in prison systems globally since the late 18th century (Reiter, 2018). Solitary confinement of prisoners is found, in some shape or form, in every prison system. Despite decades of international normative development, it persists widely across prison systems, including in Council of Europe member states and in countries directly affected by armed conflict. However, all the above-mentioned trends exist in light of the idea that “solitary confinement is often the precursor to torture, as well as being a form of ill treatment, and sometimes torture, in itself” (Shalev, 2022, p. 148).

The practice intersects with multiple disciplines: international human rights law, constitutional law, criminal procedure, penology, psychiatry, and institutional ethics. Yet research continues to suffer from definitional fragmentation, methodological inconsistency, and the persistent gap between normative prohibition and operational reality.

The damaging effect of solitary confinement can be immediate and can increase the longer the measure lasts and the more indeterminate it is. The most significant indicator of the damage that solitary confinement can inflict is the considerably higher rate of suicide among prisoners subjected to it than that among the general prison population. Clearly, therefore, solitary confinement on its own potentially raises issues in relation to the prohibition of torture and inhuman or degrading treatment or punishment. In addition, it can create an opportunity for deliberate ill-treatment of prisoners, away from the attention of other prisoners and staff.

## Methodology

This study constructs its argument through the systematic integration of four complementary methodological strands: doctrinal legal analysis, comparative institutional analysis, systematic secondary-source synthesis, and critical theoretical interpretation. The decision to combine these strands reflects the intrinsically multi-disciplinary character of the object of inquiry. Solitary confinement is simultaneously a legal phenomenon, a psychiatric and criminological reality, a historical institution, and a political problem; no single disciplinary methodology is adequate to its full complexity.

The epistemological orientation of the study proceeds from what may be termed an *axiom-consolidation* rather than a hypothesis-testing premise. A substantial body of prior research – clinical, criminological, and human rights – has established the harmfulness of solitary confinement as an empirical fact. The study, therefore, does not seek to re-establish this conclusion but to shift the analytical register: from documenting harm to explaining persistence. The central research question is accordingly structural and explanatory rather than descriptive: *why does solitary confinement endure in contemporary prison systems despite overwhelming evidence of its destructive effects and documented failure to achieve any of its declared penological objectives?*

This methodological reorientation has implications for the structure of the argument and the weight accorded to different sources. Empirical studies are treated as establishing a settled foundation rather than as primary analytical objects. The analysis is organised around the logic of institutional reproduction rather than the logic of harm documentation.

## Doctrinal Legal Analysis

The first and foundational methodological strand is doctrinal legal analysis, applied to three bodies of normative material: the jurisprudence of the European Court of Human Rights (ECtHR), the standards and country visit reports of the Council of Europe’s Committee for the Prevention of Torture (CPT), and the comparative legislative framework governing solitary confinement across a range of jurisdictions.

## ECtHR Jurisprudence

The analysis of ECtHR case law follows an established doctrinal methodology. Cases were selected based on doctrinal significance rather than temporal comprehensiveness, with priority given to judgments that introduced, refined, or challenged the Court’s interpretive framework for Article 3 of the European Convention on Human Rights as applied to solitary confinement. The selection covers the period from the early post-2000 admissibility decisions through to the structural incompatibility principle articulated in *Schmidt and Šmigol v. Estonia* (2023). Both majority holdings and significant dissents are examined.

Dissenting opinions are treated as analytically relevant, not merely as counter-arguments but as evidence of doctrinal tension and as anticipating subsequent doctrinal development – a methodological choice supported by the observable pattern in which minority positions in earlier judgments have been incorporated into the Court’s subsequent reasoning.

The doctrinal analysis tracks the internal logic of the Court’s reasoning rather than merely cataloguing outcomes. It attends specifically to the criteria the Court has used to differentiate permissible from impermissible isolation (duration, relative versus complete isolation, procedural safeguards, monitoring obligations), to the progressive integration of CPT standards into the Court’s reasoning, and to the residual doctrinal tensions that the existing case law has not resolved. The study does not perform a mechanical citation survey; it reconstructs the jurisprudential arc as a coherent if contested line of doctrinal development.

### **The CPT**

CPT standards and reports occupy a distinct methodological position in this study. Unlike ECtHR judgments, CPT reports are not legally binding; they constitute a form of authoritative expert monitoring whose normative force derives from consistent application over time and from its progressive integration into the Court’s reasoning. The study treats CPT standards – as articulated across General Reports, country visit reports, and thematic documents – as a parallel normative corpus that both anticipates and reinforces Convention standards. Country visit reports are used selectively, with particular attention to reports that introduced new standards or documented systemic patterns across multiple jurisdictions.

The PLANN framework – the five cumulative requirements of *proportionality*, *lawfulness*, *accountability*, *necessity*, and *non-discrimination* – is reconstructed analytically from across the corpus of CPT documentation rather than from any single source, which itself reflects a methodological commitment to treating the CPT’s output as a coherent and evolving body of standards rather than a collection of discrete recommendations.

### **Comparative Legislative Analysis**

Comparative analysis of domestic legislative frameworks draws on jurisdictions across North America (United States federal and state systems, Canada), Western Europe (Germany, England and Wales, Scotland, Norway, Croatia, Cyprus), South Africa, and post-Soviet systems. The selection is guided by theoretical relevance rather than regional comprehensiveness. Jurisdictions were included where their regulatory frameworks illustrate a distinct approach – for example, Canada’s *Structured Intervention Units* as a case study in reform without abolition, or post-Soviet systems as illustrative of the relationship between *informal prison hierarchies* and isolation regimes – or where CPT or academic documentation provides sufficient depth for meaningful analysis. Comparative analysis is used not to rank jurisdictions but to reveal structural patterns: definitional variation, terminological substitution, and the gap between formal prohibition and functional persistence.

### **Systematic Secondary-Source Synthesis**

The second methodological strand is a systematic synthesis of secondary empirical and theoretical literature. The study draws on academic sources across criminology, penology, psychiatry, psychology, legal theory, and social control theory.

Inclusion criteria prioritised: peer-reviewed empirical studies with sufficiently large or representative samples; systematic reviews and meta-analyses; landmark clinical studies with foundational significance (including historical studies whose methodological standards differ from contemporary practice but whose findings have been corroborated by subsequent research); and policy documents from authoritative institutions (UN Special Rapporteur, Federal Bureau of Prisons, national ombudsman offices, public safety ministries) with direct relevance to the quantitative and qualitative dimensions of isolation practice.

The synthesis is organised thematically rather than chronologically, reflecting the study’s interest in establishing the current state of knowledge across each domain (historical persistence, definitional taxonomy, psychological and physical harm, vulnerable populations, penological effectiveness, racial and demographic disparities) rather than tracing the intellectual history of each field. Where studies produce conflicting findings – particularly in the recidivism literature – the divergence is noted and explained with reference to methodological differences (sample characteristics, duration thresholds, outcome measures, comparison groups).

A deliberate methodological choice governs the treatment of the harm literature. Given the settled character of the evidence base, the study does not evaluate individual studies on a standard critical appraisal framework in the manner of a systematic review aimed at resolving an open empirical question. Instead, it treats the cumulative body of evidence as establishing a robust scientific presumption whose function is axiomatic: it serves as the shared epistemic foundation from which the analytical argument proceeds.

### **Critical Theoretical Analysis**

The third methodological strand is critical theoretical analysis, drawing primarily on the Foucauldian tradition of analysing disciplinary and punitive power, the sociology of social control (Cohen, Bauman), and the political economy of punishment. This strand provides the explanatory framework for the study's central argument: that the persistence of solitary confinement is not a function of administrative inertia or resource constraints alone but reflects the structural logic by which carceral institutions reproduce themselves and the political economy within which reform is perpetually deferred.

Critical theory is employed as an interpretive and explanatory instrument rather than as an ideological commitment. It is integrated into the argument where it provides analytical purchase that neither doctrinal analysis nor empirical synthesis alone can deliver: specifically, in identifying the undeclared functions of solitary confinement (neutralisation, disciplinary terror, symbolic sovereignty), in explaining the terminological substitution practices through which formal prohibitions are absorbed without practical effect, and in situating the persistence of isolation within the broader transformation of social control regimes described by theorists from Foucault to the present.

The study does not adopt a fully abolitionist normative position but identifies abolitionist arguments as deserving serious analytical attention on structural grounds. The normative conclusions advanced are grounded in the cumulative weight of the doctrinal, empirical, and theoretical analysis rather than in a prior normative commitment.

### **Historical Analysis**

The study incorporates a selective historical analysis of solitary confinement's origins and evolution, covering the penitentiary experiments of the early 19th century (Auburn and Philadelphia systems), the European reception and critique of those systems, the first wave of documented psychological harm in the mid-to-late nineteenth century, the marginalisation of solitary confinement in the early 20th century, and its institutional revival in the context of the supermax expansion of the late 20th century. The historical scope is deliberately bounded: the study explicitly forgoes a comprehensive historiography in favour of establishing the theoretical claim that solitary confinement was constitutive of imprisonment itself rather than a reaction to its failures, and that the institutional resilience of the practice cannot be explained by reference to its declared penological rationale.

Primary historical sources are used selectively and in mediated form, through the work of historians (Rubin, Reiter, Sokalska, Weinreich, Brox, Smith) whose work is drawn upon rather than independently verified through archival research. This reflects the study's purpose: it uses historical evidence to establish theoretical claims about institutional logic rather than to contribute to historiography as such.

### **Scope, Delimitations, and Limitations**

The study operates with a deliberately broad geographic and jurisdictional scope, drawing on sources from North America, Western and Eastern Europe, post-Soviet systems, and international human rights bodies. This breadth is necessary to support its central theoretical argument about structural persistence, which is a global rather than a jurisdiction-specific phenomenon. Depth of analysis varies: European human rights law (ECtHR and CPT) receives systematic treatment; other jurisdictions are analysed selectively to illustrate comparative patterns.

The study does not address solitary confinement in immigration detention, pre-trial facilities outside the prison context, or military detention, except where relevant to establish broader normative principles. It does not engage with abolitionist literature on imprisonment as such except where directly relevant to the argument about the structural logic of isolation. The analysis of Ukrainian and post-Soviet prison systems is introduced in the practical arguments about informal hierarchies with reference to the CPT standard – CPT/Inf(2025)12 (European Committee for the Prevention of Torture, 2025).

Several limitations are acknowledged.

First, the study relies on secondary empirical data and does not independently verify the methodological quality of the studies it cites through formal systematic review procedures. The volume and consistency

of the evidence base mitigate this limitation for the core harm-documentation claims, but it applies with greater force to the recidivism and institutional-safety literature, where findings are more mixed.

Second, comparative legislative analysis is constrained by linguistic access and the quality of available translations. Domestic legislation cited for Germany, Croatia, Cyprus, Bulgaria, and South Africa is analysed in official English translations or through secondary sources.

Third, the quantitative data on the prevalence of solitary confinement, which form the evidential basis for the study's 'arithmetic of institutional failure' argument, are drawn from a range of sources with varying methodologies, definitions, and reference periods. Cross-jurisdictional comparison of these figures is therefore indicative rather than precise. The study uses such data to establish orders of magnitude and structural patterns rather than to support fine-grained comparative claims.

Fourth, the study's theoretical framework draws primarily on a Western critical tradition (Foucault, Cohen, Bauman) whose applicability to post-Soviet penal systems involves a degree of analytical translation. The study acknowledges this limitation and supplements the theoretical argument with attention to the specific structural features of post-Soviet prison governance – informal hierarchies, *de facto* loss of institutional control – that are not fully captured by frameworks developed in the context of Western liberal democracies.

### **Research Ethics and Positionality**

As a doctrinal and theoretical study that does not involve human subjects, the research does not raise direct research ethics concerns regarding participant welfare, consent, or data protection. However, two considerations merit acknowledgement.

First, the subject matter – the torture and ill-treatment of confined persons – requires that analytical distance not become analytical detachment. The study is written from a position that treats the evidence of psychological and physical harm as establishing genuine moral obligations on states, international institutions, and academic researchers, and that regards the analytical reframing of solitary confinement as an 'exceptional measure' as itself a form of institutional camouflage that scholarship has a responsibility to interrogate rather than reproduce.

Second, the author writes in his dual capacity as an academic researcher and as a CPT member elected in respect of Ukraine. All references to CPT standards, however, rely exclusively on published and publicly available documentation. The study does not address any pending cases and advances no institutional position. This paper reflects the author's opinions solely and does not represent the official positions of the Council of Europe or the CPT.

### **Structure of the Study**

The organisation of the study reflects its methodological logic. The *Background section* establishes the historical depth and cross-disciplinary scope of the problem. The *Definition* section performs the first stage of doctrinal analysis by mapping definitional fragmentation across international, regional, and domestic frameworks and arguing that terminological variation is not merely imprecision but a structural mechanism of evasion. The *Grounds and Reasons section* examines the official bases for isolation and their relationship to the distinction between declared and functional purpose. The *CPT Approach* and *ECtHR Jurisprudence sections* form the core of the doctrinal analysis, reconstructing the normative frameworks as coherent but evolving bodies of standards with identifiable internal tensions. The *empirical sections* – on scale, physical health, psychological effects, vulnerable populations, and penological effectiveness – execute the secondary-source synthesis. The *theoretical sections* integrate the doctrinal and empirical findings within the critical-theoretical framework to address the study's central explanatory question.

This architecture reflects the methodological proposition that doctrinal, empirical, and theoretical analysis are not parallel tracks but cumulative layers: the critical theoretical argument is only as strong as the doctrinal and empirical foundation on which it rests, and the doctrinal analysis acquires its full significance only when situated within the structural logic that critical theory articulates.

### **Beyond the Record: Ukraine's Statistical Accountability Gap**

To maximise the practical significance of this study and ensure its relevance to the Ukrainian national context, a series of information requests was submitted to the Ministry of Justice of Ukraine and its subordinate Department for the Execution of Sentences, seeking statistical data on the application of solitary confinement across various categories of individuals on a nationwide scale in recent years. The responses

revealed that, notwithstanding the demonstrably widespread use of solitary confinement within the Ukrainian penitentiary system, no corresponding official statistics are compiled or maintained at the national level. This circumstance simultaneously creates objective obstacles to a comprehensive academic examination of the subject within the scope of the present study and constitutes compelling evidence of the state's failure to discharge its obligations with respect to prison transparency and accountability.

The fundamental contradiction that emerges here warrants particular attention.

Solitary confinement – a measure that, by its very nature, represents the most intensive interference with the rights of persons in custody, a measure associated with documented risks of grave psychological harm and structurally susceptible to abuse and discriminatory application – effectively exists in a condition of institutional invisibility within Ukraine's legal and statistical framework. The practice persists in reality yet leaves no trace in official records.

This invisibility is not merely a technical or administrative shortcoming. The requirement for comprehensive statistical recording of all aspects of the application of solitary confinement is not an academic preference or a general policy recommendation; it is a specific standard articulated by the CPT. The CPT has consistently emphasised that all matters pertaining to solitary confinement – including the legal grounds for its use, its duration, the categories of persons subjected to it, and the conditions under which it is applied – must be recorded in detail, systematically, and in a manner that is amenable to external monitoring. The Committee's positions on this matter are reflected both in its thematic documents and in the reports produced following inspection visits to Ukrainian prisons.

A dedicated study of the practice of solitary confinement in Ukraine – including with the specific objective of documenting what official statistics presently fail to record – is intended as a subject of separate future research.

### History

The European tradition of strict isolation has deep *religious roots*: the monastic cell, as a space for repentance, became the prototype of the prison, and the image of the criminal as a *repentant sinner* shaped the logic of imprisonment in the late Middle Ages. As Sokalska proves in her recent research, in 16th–17th-century workhouses, solitary confinement cells were used for disciplinary punishment and the isolation of dangerous individuals and minors; from the late 18th century, the practice of initial strict isolation became widespread to break the prisoner's will, followed by a transition to a regime of communal labour during the day and separate confinement at night (Sokalska, 2025).

Haney & Lynch also argue that, in the late 18th and early 19th centuries, the Netherlands served as a primary arena for the rise of solitary confinement – a method touted as the '*most humane*' way to impose punishment. However, this popularity was untethered from actual results. Rather than rehabilitating the soul, the Dutch experience revealed a pattern of systemic failure (Haney & Lynch, 1997, p. 482).

As far as the USA is concerned, Rubin describes how the United States shifted toward solitary confinement as a solution for its failing penal system during the early 19th century. After the initial wave of prisons from the 1790s succumbed to frequent arson, escapes, and violent uprisings, officials deemed the existing model a disaster. Seeking a more disciplined alternative, a coalition of politicians and reformers championed total isolation, believing it would both curb inmate misconduct and foster genuine moral redemption (Rubin, 2021).

Solitary confinement emerged through two *systems of prison discipline* developed in the United States in the early 19th century. The history of solitary confinement in America began as a reformist vision during the Early Republic. Influenced by Quaker values, the system at Eastern State Penitentiary was designed to use total silence and isolation as a spiritual tool for prisoner redemption and self-reflection. By tracing the evolution of solitary confinement from medieval religious origins to modern carceral structures, Weinreich concludes that the practice's enduring violence is fuelled by a '*perverse optimism*' in coerced redemption, asserting that the sophisticated ideologies of premodern religious regimes continue to fundamentally shape and sustain modern prison systems (Weinreich, 2022).

Both the *Auburn* and *Philadelphia* systems emerged as competing answers to the same question: how should a modern prison reform its inmates? Both rejected the older logic of purely punitive confinement and replaced it with an *architecture of discipline* – one built around silence, the other around solitude. Yet their practical arrangements, and the theories of human nature behind them, diverged significantly.

The *Auburn system*, introduced at New York's Auburn Prison in 1823, operated on a division of time. At night, prisoners were locked alone in their cells. During the day, they laboured together in workshops –

but under a strict rule of absolute silence. The prisoner could see and work alongside others; he simply could not speak to them. This arrangement reflected a belief that criminal contamination spread through communication, not mere proximity. Remove speech, and communal life became safe. Louis Dwight, the system's most prominent advocate, saw reform potential in this structured routine, though the prison administrators at *Auburn* and *Sing Sing* were reportedly less invested in the moral dimension and more focused on productive labour output.

The *Philadelphia system*, developed at the *Eastern Penitentiary* (under construction from 1826, opened in 1829), took a more radical position. Here, isolation was total and continuous. Prisoners lived alone in their cells day and night, with only brief walks permitted in private courtyards – still without any contact with other people. The only human presences allowed were the prison chaplain and other visitors deemed morally sound. The underlying theory was essentially one of psychological deconstruction and reconstruction: complete solitude would terrify the prisoner into confronting himself, provoking an inner reckoning in which he acknowledged his crime. Work, Bible reading, worship, and chaplain visits would then rebuild him as a *better person*. Once genuinely reformed, the theory held, the isolation would no longer be terrifying – it would have become natural to a cleansed conscience.

However, the system quickly buckled under the practical pressures of prison overcrowding and the immense financial costs of maintaining such specialised facilities. Rubin and Reiter argue that the 1821 solitary confinement experiments in American prisons were quickly deemed failures and discontinued after they caused severe muscular atrophy, psychological breakdowns, and desperate acts of self-mutilation among the incarcerated population (Rubin, & Reiter, 2018).

In 1820, New Jersey introduced the system but discarded it in 1828; however, the state famously reintroduced the model in 1833, sustaining it for a much longer period until 1858. The mid-1820s saw a brief surge in adoption that quickly faltered. Both Maine and Virginia implemented solitary confinement in 1824, yet both states abandoned the practice only three years later in 1827. Finally, Rhode Island entered the experiment late in 1838, only to move away from the system by 1844. Collectively, these dates illustrate a period of intense but ultimately unsustainable penal reform, as states grappled with the logistical and psychological toll of total isolation (Haney, & Lynch, 1997, p. 484).

Both systems agreed that isolation served a double purpose – deterrence for society and rehabilitation for the individual – but they differed sharply on whether other prisoners could be present at all. *Auburn* said yes, so long as they were silent. *Philadelphia* said no, under any circumstances.

Most significantly, the experiment was abandoned by the late 19th century when observers and administrators realised that total isolation led to severe mental deterioration rather than moral rehabilitation (Blackwell, 2025). In her research, Brox proves how this ambitious experiment in '*the silent treatment*' eventually collapsed under its own psychological weight, transitioning from a method of rehabilitation into a severe form of punishment that persisted long after its original religious ideals were abandoned (Brox, 2023).

By the end of the 19th century, long-term isolation was recognised as a form of psychological torture that caused fundamental, irreversible damage to the human psyche by depriving people of the social interaction necessary to maintain a sense of reality and self: "*A considerable number of prisoners ... fell into a semi-fatuous condition ... and others became violently insane*" (Biggs, & Shelby, 2009). As Haney notes, "by 1890, solitary confinement was widely recognised as a failed experiment in the United States and had fallen into disuse" (Haney, 2019).

Even in decisions by the American courts, it was stated that "early experiments with complete solitary confinement in American and European penitentiaries in the late 1700s and 1800s led to numerous reports of psychiatric disturbances" (*Madrid v. Gomez*, 889 F. Supp. 1146).

Shortly thereafter, the U.S. Supreme Court delivered its initial rebuke of solitary confinement in the 1890 landmark case, *In re Medley*. The Court characterised the practice as a form of torture after reviewing a Colorado statute that mandated solitary isolation for death row inmates prior to execution – a law enacted only after James Medley's alleged crime but before his conviction. The justices ruled that this requirement constituted '*an additional punishment of the most important and painful character*', thereby violating *ex post facto* protections against the retroactive application of harsher penalties. Highlighting the practice as '*too severe*', the Court specifically noted the profound psychological breakdown experienced by those subjected to such intense isolation (*Medley*, Petitioner, 134 U.S. 160).

Table 1

**Auburn and Philadelphia Systems – A Comparative Table**

	Auburn system New York (1823)	Philadelphia system Eastern Penitentiary (1829)
<b>Night arrangement</b>	Solitary cell	Solitary cell
<b>Day arrangement</b>	Communal hard labour in complete silence	Alone in a cell; a brief walk in a private courtyard
<b>Contact with other prisoners</b>	Physical presence allowed; speech forbidden	Strictly prohibited at all times
<b>Permitted visitors</b>	Supervisors and overseers during labour	Prison chaplain and morally approved persons only
<b>Role of labour</b>	Central – productive work is the engine of reform	Secondary – cell work supplements spiritual reform
<b>Role of religion</b>	Present but not the primary mechanism	Central – Bible reading, worship, chaplain visits
<b>Theory of reform</b>	Discipline and routine instil a work ethic and moral order	Solitude breaks the self down; moral inputs rebuild it
<b>Purpose of isolation</b>	Remove corrupting communication; enable supervision	Induce terror, self-reflection, and inner reckoning
<b>Deterrent logic</b>	Silent regimentation signals the severity of punishment	Total isolation is inherently terrifying – a powerful deterrent
<b>Notable institutions</b>	Auburn Prison, Sing Sing (both New York)	Eastern State Penitentiary (Philadelphia)
<b>Shared rationale</b>	Both held that isolation removes corrupting influences, enables individual deterrence, and makes rehabilitation possible.	

However, as Rubin and Reiter argue, the role of solitary confinement evolved from a marginalised disciplinary measure into a formalised, high-tech institutional fixture (the supermax) as a direct response to the prison unrest and perceived security threats of the twentieth century (Rubin and Reiter, 2018). Solitary confinement persists as a penal tool because prison administrators strategically adapt and preserve it to meet internal control needs, even when the practice clashes with broader social values and faces consistent public delegitimation (Rubin and Reiter, 2018).

Turning to the European context, we should point to Sokalska's thesis that the search for an alternative to transportation and corporal punishment led reformers to the concept of round-the-clock solitary confinement – a measure that was at once punitive, preventive, and rehabilitative, and which met the requirements of security, simplified supervision, and confidentiality. The crisis of the general detention model in the first half of the 19th century led to the adoption of the Pennsylvania system of strict isolation as the only one capable of 'ensuring rehabilitation'. In Europe, during the 1830s and 1840s, solitary confinement became the foundation of the entire prison discipline, to which security, labour, religious care, and education were subordinated; the emphasis gradually shifted from absolute isolation to separation and individualisation. However, as early as the 1860s and 1870s, the system faced sharp criticism, and national prison systems shifted to a combination of various detention regimes with only brief periods of isolation (Sokalska, 2025).

Finally, as Smith argues, the regime of solitary confinement held the key to a new utilitarian era of rehabilitative punishment (Smith, 2019).

In the late 20th century, growing concerns about staff safety and the politicisation of crime control drove a significant expansion in the use of solitary confinement, culminating in the emergence of the supermax prison. These specialised facilities were designed not for rehabilitation but exclusively

to isolate and manage the most dangerous, violent, or persistently disruptive individuals drawn from the broader prison population. Relying on sophisticated surveillance and control technologies, supermax institutions represent a purely punitive model of incarceration – one in which the *management of risks* takes absolute precedence over any reformatory purpose (National Institute of Justice, 2016).

Here, we would like to stress: this article deliberately forgoes a detailed account of solitary confinement's origins as a penological institution – from its early modern European precursors to the penitentiary experiments of the United States in the first half of the 19th century. What is indispensable, however, is establishing an initial theoretical position: the idea of solitary confinement neither preceded imprisonment nor emerged as a response to its practical failures – it was constitutive of *imprisonment itself*. Foucault's central thesis remains methodologically irreplaceable in this regard: prison reform was never a reaction to failure; it was encoded into the very architecture of punitive rationality from the moment of that rationality's formation. The question of solitary confinement's genesis is therefore simultaneously a question about the internal logic of the penitentiary as such.

Equally fundamental is a phenomenon that demands direct attention: despite a consistently reiterated consensus – in national court rulings, academic literature, and government reports alike – concerning the destructive consequences of isolation, solitary confinement exhibits a remarkable *institutional resilience*. This resilience resists explanation within any framework of rational penal policy and must instead be analysed through the categories of power relations and administrative expediency.

It is instructive that solitary confinement received its 'second wind' precisely at the moment when the rehabilitative ideal suffered its definitive collapse. Robert Martinson's 1974 publication, with its resonant conclusion that *'Nothing Works'*, represented not merely a theoretical rupture but a practical reorientation of penal policy. In societies where retributive sentiment was intensifying and disciplinary logic was penetrating ever deeper into the social fabric, the conditions for legitimising fundamentally new forms of isolation were consolidated. The result was the proliferation of *supermax prisons* – conceived explicitly to house the *'most dangerous'* categories of prisoners – first across the United States and subsequently in other jurisdictions (Yagunov, 2010).

It is at this juncture that the reincarnation of two interrelated concepts becomes analytically relevant: the *'dangerous offender'* and the *'dangerous condition of a person'*. These categories, genealogically rooted in the positivist criminology of the late 19th and early 20th centuries, proved remarkably adaptable. They furnish prison administrations with both managerial instruments and a discursive foundation for justifying not only the perpetuation of solitary confinement but its ongoing institutional expansion.

Addressing questions of genesis in this context is therefore not merely a historical exercise. It is an attempt to reconstruct the logic by which isolation practices reproduce and extend themselves – to trace how mechanisms for disciplining the prison population and enlarging the administrative apparatus's control over prisoners assume new forms while preserving their essential function.

Therefore, solitary confinement is not a marginal phenomenon confined to the experience of political prisoners or human rights defenders. It is not an exceptional measure reserved for the most dangerous or the most defiant. It is, rather, a constitutive tool of the prison system itself – embedded in its logic, reproduced in its discourse, and legitimised by its institutional language. To speak of solitary confinement only as a collection of individuals held in isolation cells is to mistake the symptom for the condition. Solitary confinement is a modern strategy of prison management: a calculated technique for producing docility, enforcing hierarchies, and asserting the total authority of the carceral state over the confined body and mind (Harrington, 2015). It does not stand outside the ordinary functioning of imprisonment – it stands at its centre.

In this sense, the isolation cell is not a deviation. It is a mirror. It reflects, in concentrated form, what the prison as an institution has always sought to accomplish: the disciplinary transformation of the subject through spatial control, sensory deprivation, and enforced withdrawal from human community. Where the general prison population is governed through surveillance and routine, the solitary confinement unit governs through annihilation of the social.

To challenge solitary confinement, then, is not merely to demand better conditions for a subset of prisoners. It is to confront the deeper architecture of penal power – and to ask, with full seriousness, what kind of justice a society constructs when it builds rooms designed for the destruction of the self.

### Definition

Ghfar points out that the vocabulary used to describe non-communal imprisonment lacks consistency, which undermines efforts to establish a shared academic or legal definition. While the fundamental

experience centres on severe isolation, prison administrations tend to avoid the phrase '*solitary confinement*', preferring more neutral or bureaucratic language such as '*segregation*' or '*restrictive housing*'. This variation in terminology reflects the wide range of rationales behind such placements – from punishment and disciplinary action to the protection of vulnerable prisoners. As a result, the conditions of these settings differ considerably both within individual institutions and across the prison system as a whole, producing an inconsistent and fragmented body of policy and practice (Ghafar, 2017, p. 516).

One of the key contributions of the United Nations Standard Minimum Rules for the Treatment of Prisoners, commonly known as the Nelson Mandela Rules, is to define '*solitary confinement*'. According to Rule 44, "for the purpose of these rules, solitary confinement shall refer to the confinement of prisoners for 22 hours or more a day without meaningful human contact".

This rule clarifies that solitary confinement occurs when a prisoner is held for 22 hours or more per day without access to meaningful human contact. Furthermore, it introduces a critical feature of '*prolonged*' solitary confinement, which is defined as any instance exceeding 15 consecutive days. From a human rights perspective, this temporal threshold is significant because extended isolation is often classified as a form of cruel, inhuman, or degrading treatment. Consequently, Rule 44 serves as a necessary legal framework to prevent the psychological and physical harm associated with indefinite isolation. By establishing these standardised parameters, the international community seeks to ensure that carceral practices remain consistent with fundamental human dignity (United Nations Office on Drugs and Crime, 2015).

According to Ghafar, solitary confinement is complete isolation for an average of 22 hours a day, with limited human interaction and limited opportunity for rehabilitative programming. This definition is not bound by specific time parameters because terms of solitary confinement can last from days to several decades (Ghafar, 2017, p. 517).

Shalev argues that "isolation, segregation, separation, cellular or solitary confinement are some of the terms used to describe a form of confinement where prisoners are held alone in their cell for up to 24 hours a day, and are only allowed to leave it, if at all, for an hour or so of outdoor exercise" (Shalev, 2008, p. 1).

Shalev also argues that "solitary confinement is defined as a form of confinement where prisoners spend 22 to 24 hours a day alone in their cell in separation from each other. Notwithstanding the different meanings attached to each of these terms in different jurisdictions, the term '*solitary confinement*' will be used interchangeably with the terms '*isolation*' and '*segregation*' when describing regimes where prisoners do not have contact with one another, other than, as is the case in some jurisdictions, during an outdoor exercise period" (Shalev, 2008, p. 2).

The International Psychological Trauma Symposium provides the following definition: "Solitary confinement is the physical isolation of individuals who are confined to their cells for twenty-two to twenty-four hours a day. In many jurisdictions, prisoners are allowed out of their cells for one hour of solitary exercise. Meaningful contact with other people is typically reduced to a minimum. The reduction in stimuli is not only quantitative but also qualitative. The available stimuli and the occasional social contacts are seldom freely chosen, are generally monotonous, and are often not empathetic" (The International Psychological Trauma Symposium, 2007).

The CPT understands '*solitary confinement*' as a situation in which a prisoner is ordered to be held separately from other prisoners, for example, as a result of a court decision, as a disciplinary sanction imposed within the prison system, as a preventative administrative measure, or for the protection of the prisoner concerned. A prisoner subject to such a measure will usually be held on his/her own; however, in some States, he/she may be accommodated together with one or two other prisoners, and this section applies equally to such situations.

UN Special Rapporteur on Torture (Méndez, 2011, A/66/268) focuses on "the isolation of prisoners from the general prison population, combined with the restriction or complete denial of contact with the outside world" (United Nations, General Assembly, 2011). Moreover, the report treats 15 days as the threshold for '*prolonged*' solitary confinement and characterises the latter as constituting cruel, inhuman or degrading treatment or torture (United Nations, General Assembly, 2011).

In *Ramirez Sanchez v. France [GC]*, the ECtHR distinguished *complete sensory isolation* from *social isolation*. Complete sensory isolation combined with total social isolation is incompatible with Article 3 ECHR. Partial or relative isolation (limited contact retained) is assessed on a case-by-case basis, considering severity and duration.

In *Messina v. Italy* (No. 2), the ECtHR considered the Italian 41-bis regime (special detention order): restrictions on visits, correspondence, and association with other prisoners. However, the Court assessed the totality of conditions rather than applying a fixed definition.

Committee of Ministers Recommendation Rec(2006)2-rev (European Prison Rules) does not define ‘solitary confinement’ as such, but Rule 53 governs ‘cellular confinement as punishment’. Rule 53 of the European Prison Rules establishes a distinct legal regime for special high-security or safety measures applicable to prisoners who pose an exceptional threat beyond what standard security arrangements can address. Such measures are governed by the principle of subsidiarity, meaning they may only be imposed where less restrictive alternatives prove insufficient to maintain security or safety, and must remain in force solely for the duration of that necessity. The scope of permissible measures includes, but is not limited to, separation from the general prisoner population, with this particular measure subject to additional procedural safeguards.

The diverse terminology surrounding solitary confinement serves as a linguistic mask, often designed to sanitise the harsh realities of extreme isolation. By employing administrative euphemisms such as ‘special housing units’ or ‘restrictive housing’, jurisdictions can effectively distance the practice from its more controversial connotations. These labels do not merely categorise; they strategically obscure the nature of the confinement to make it more palatable to the public and oversight bodies. While ‘supermax’ focuses on the perceived danger of the individual and ‘disciplinary segregation’ implies a procedural necessity, the underlying physical and psychological deprivation remains identical across all classifications. Ultimately, these varying definitions create a fragmented legal and social landscape that hides a singular, uniform experience of profound seclusion. Regardless of whether the system calls it a ‘control unit’ or the incarcerated refer to it as ‘the hole’, the functional outcome is the same: the enforcement of total isolation.

In the American legal tradition, definitions differ from jurisdiction to jurisdiction. In the documents of the Federal Bureau of Prisons, Special Housing Units (SHUs) are “housing units in Bureau institutions where inmates are securely separated from the general inmate population and may be housed either alone or with other inmates. Special housing units help ensure the safety, security, and orderly operation of correctional facilities, and protect the public by providing alternative housing assignments for inmates removed from the general population” (Federal Bureau of Prisons, 2024).

The places where people are held in isolation also go by various names.

In California, long-term solitary confinement units are referred to as Security Housing Units (SHUs) (Solitary Watch, 2025). Restricted housing refers to various forms of confinement for individuals in custody (California Department of Corrections and Rehabilitation, 2026). ‘Segregated confinement’ means the confinement of an individual, in a cell or similarly confined holding or living space, alone or with other individuals, with severely restricted activity, movement, or minimal or no contact with persons other than custodial staff for more than 17 hours per day. Segregated confinement is determined by time spent in a cell and contact with persons other than custodial staff (Segregated Confinement).

In New York, the same acronym stands for Special Housing Units. In Oregon, long-term isolation units are called Intensive Management Units (IMUs), while in Pennsylvania they are Restricted Housing Units (RHUs). In the federal system, one type of solitary confinement takes place in Special Management Units (SMUs), and another in Communications Management Units (CMUs) (Solitary Watch, 2025).

In Canada, Structured Intervention Units (SIUs) were launched on November 30, 2019, marking a significant reform in Canadian federal corrections by eliminating administrative and disciplinary segregation entirely. Currently operating at 14 institutions across all five regions of Canada, SIUs provide a designated space where inmates who cannot be safely managed in the general population are housed under a positive, intervention-based approach. Rather than punitive isolation, the model emphasises addressing each individual’s needs and risks in line with their correctional plan, with the explicit goal of returning inmates to the mainstream population as quickly as possible (Correctional Service Canada, 2021).

In § 30 of the Correctional Services Act 111 (South Africa, 1998), segregation of a prisoner for a period of time, which may be for part of or the whole day and which may include detention in a single cell, is permissible: 1) to give effect to the penalty of the restriction of amenities, 2) upon the written request of a prisoner, 3) when a prisoner displays violence or is threatened with violence, 4) if such detention is prescribed by the medical officer on medical grounds, 5) if a prisoner has been recaptured after escape and there is a reasonable suspicion that such prisoner will again escape or attempt to escape; 6) if requested by the police.

In England and Wales, Prison Rules 1999 (Rule 45) reflect '*removal from association*' – the Secretary of State or governor may order removal from association with other prisoners in the interests of good order or discipline, or in the prisoner's own interests, without specifying a minimum daily hours threshold. A prisoner shall not be removed under this rule for a period of more than 3 days without the authority of a member of the board of visitors or of the Secretary of State. An authority given under this paragraph shall be for a period not exceeding one month, but may be renewed from month to month except that, in the case of a person aged less than 21 years who is detained in prison, such an authority shall be for a period not exceeding 14 days but may be renewed from time to time for a like period.

The Prisons and Young Offenders Institutions (Scotland) Rules 2011 contain provisions on a prisoner's removal from association with other prisoners, either generally or to prevent participation in a prescribed activity or activities. An order may only be made where the Governor is satisfied that removal from association is appropriate for one of the following purposes: (a) maintaining good order or discipline; (b) protecting the interests of any prisoner; (c) ensuring the safety of other persons (European Union Agency for Fundamental Rights, 2025).

In Germany, according to *Strafvollzugsgesetz* (§ 89), the uninterrupted isolation of a prisoner (solitary confinement) is permissible only if it is indispensable for reasons attributable to the prisoner (*Strafvollzugsgesetz*, 1976). Solitary confinement totalling more than three months in a single year requires the approval of the supervisory authority. This period is not interrupted by the prisoner's participation in religious services or recreational time (European Union Agency for Fundamental Rights, 2023).

The CPT's inspections of Norwegian correctional facilities in 2019 revealed a systematic practice of prolonged solitary confinement, whereby certain prisoners were confined to their cells for up to 22 hours daily, with out-of-cell time restricted to isolated outdoor exercise and solitary fitness access, resulting in severely attenuated human contact. This regime of 'complete exclusion from company', when applied over extended periods with only minimal staff interaction, raises serious concerns under international standards prohibiting cruel, inhuman, or degrading treatment, particularly given the well-documented adverse psychological consequences of prolonged isolation (Council of Europe, 2019d).

In Croatia, solitary confinement may be imposed both as a special security measure – for up to three months, applicable no more than twice per calendar year, or alternatively as placement in a specially secured room not exceeding 48 hours – and as a disciplinary sanction of up to twenty-one days during free time or around the clock (European Union Agency for Fundamental Rights, 2026).

In Cyprus, the prison director may order the restriction or isolation of a prisoner for any period deemed necessary for the purpose of maintaining discipline and order, for protecting the interests of himself or herself or those of other detainees, for restricting or isolating violent or unruly detainees whose conduct is disorderly and threatening to other detainees, or for reasons of discipline.

In Bulgaria, prisoners who have committed one of the violations listed in the law can be punished by placing them in the so-called '*penal cell*'. To prevent prisoners from escaping, harming the life or health of others, or committing another criminal offence, inmates can be isolated in the so-called '*individual cell*'. The maximum duration of this measure is two months. Prisoners in individual cells cannot take part in collective activities (European Union Agency for Fundamental Rights, 2024).

### Grounds and Reasons

Across contemporary prison systems, extreme isolation has ceased to be an exceptional disciplinary measure and has instead become a pervasive architectural, administrative, and social reality of imprisonment itself. Whether imposed through formal mechanisms – solitary confinement, security housing units, administrative segregation, or strip cells – or produced by the structural logic of large-scale incarceration, profound social disconnection shapes the lived experience of a significant portion of the world's imprisoned population. The boundaries between punitive and non-punitive isolation have grown increasingly blurred: classification procedures, protective custody regimes, medical isolation, pre-trial detention conditions, and the spatial design of high-security facilities all generate states of sensory deprivation and relational severance that are functionally indistinguishable from disciplinary solitary confinement, even when they carry no formal sanction label.

This convergence reveals that isolation is not merely a tool of prison discipline but a constitutive feature of the carceral state – embedded in its architecture, legitimised by its administrative rationality, and normalised by its institutional culture. The harm it produces is well-documented across psychiatric, criminological, and human rights literature: cognitive deterioration, psychotic episodes, self-harm, and

the permanent erosion of social capacity. Yet the scale of its application continues to expand, disproportionately affecting persons with mental illness, members of marginalised groups, pre-trial detainees presumed innocent, and individuals held in prolonged uncertainty under security classifications that admit no meaningful review.

Understood in this broader frame, the problem of isolation in detention is not reducible to the regulation of a discrete practice. It demands a fundamental rethinking of the purposes of imprisonment, the limits of administrative power over the confined body, and the obligation of the state – under both domestic constitutional frameworks and international human rights law – to preserve the humanity of those it holds.

Smith points out that solitary confinement is not a monolithic practice but a diverse set of measures applied across vastly different legal and institutional contexts. A recent review sets forth four common purposes of solitary confinement: 1) discipline, 2) protection, 3) security, and 4) prison administration (Smith, 2019).

Shalev identifies six distinct grounds on which prisoners and detainees are placed in solitary confinement:

1. **Punishment** – Punitive segregation imposed for misconduct within custody, typically for a fixed period following a disciplinary hearing. It is considered the most severe sanction for the most serious prison offences. Some jurisdictions also permit courts to impose solitary confinement as part of the sentence itself.

2. **Protection** – Protective segregation for vulnerable prisoners (sex offenders, informants, former officers, debtors, self-harm risks) either at the prisoner's request or at staff discretion. Regimes vary – in some jurisdictions, these prisoners may associate with each other; in others, they are held in conditions identical to punitive segregation for the entire sentence.

3. **Prison management** – Administrative or managerial segregation of prisoners deemed dangerous, disruptive, or otherwise problematic (e.g., gang members), justified as a means of reducing violence and maintaining order.

4. **National security** – Used against those suspected or convicted of politically motivated offences or senior organised crime membership, to prevent contact with external networks or dissemination of state secrets. Typically results in strict solitary confinement for the duration of the sentence.

5. **Pre-charge and pre-trial investigation** – Suspects isolated without charge during ongoing interrogation or investigation, to prevent compromise of the inquiry. Duration is legally limited in most jurisdictions, though some permit extended periods. May include incommunicado detention – isolation without access to a lawyer, a doctor, or family – which is itself potentially unlawful under international law.

6. **Lack of alternative institutional solutions** – *De facto* solitary confinement arising not from deliberate policy but from the absence of appropriate placement options: mentally ill prisoners held in isolation because secure hospital beds are unavailable; prisoners segregated due to overcrowding while awaiting transfer to a suitable security classification (Shalev, 2008, p. 25-27).

Shalev's taxonomy is notable for treating these as official grounds, implicitly distinguishing them from the practical reality that categories often overlap and that the formal justification may mask other purposes – a point she develops further when examining the counter-productive effects of managerial segregation and the coercive dimension of pre-trial isolation (Shalev, 2008, p. 25-27).

Following Shalev, Morris argues that corrections administrators may use isolation as a form of '*protective segregation*' for inmates at risk of victimisation or as a means of '*administrative segregation*' wherein highly disruptive inmates are subject to isolation for longer terms, perhaps transferred to a prison unit specifically designed around isolation (i.e., a supermax facility) (Morris, 2015).

Regulations of HM Inspectorate of Prisons state that prisoners and other detainees are isolated from others for several reasons, including: 1) as a disciplinary sanction arising from offences or disruption caused within the place of detention; 2) as an administrative measure; 3) for investigative purposes; 4) as a preventive measure against future harm or risk; 5) as a measure to protect an individual from others; 6) as a result of a regime and/or physical environment that restricts contact with others (HM Inspectorate of Prisons, 2023).

### The CPT Approach

Solitary confinement takes four distinct forms in European prison systems, each with its own legal basis and level of justification. Court-ordered solitary during pre-trial detention may be warranted

in individual cases where there is a genuine risk to the administration of justice but must always rest on sufficient evidence and be subject to procedural safeguards. Courts should *not* impose solitary confinement as part of a criminal sentence, since decisions about a prisoner's regime belong to prison authorities, not to the catalogue of criminal sanctions.

*Disciplinary solitary confinement* is the most severe punishment available within prison disciplinary procedures and should be used only as a last resort, for the shortest possible time, with the CPT recommending a ceiling of 14 days per offence and a prohibition on sequential sentences that would cumulatively exceed that limit.

Disciplinary proceedings within custodial settings must retain their legitimate corrective purpose and may not be instrumentalised as tools of coercion against detained persons. Any use of formal disciplinary mechanisms to exert psychological pressure or to influence the behaviour of prisoners beyond their lawful scope constitutes an abuse of institutional authority and a violation of fundamental safeguards against ill-treatment (CPT Report on Belgium, 2009e, Para. 149).

The CPT affirms that prisoners retain the autonomy to exercise or waive their rights without incurring disciplinary consequences. Neither declining outdoor exercise nor lodging complaints regarding detention conditions may be characterised as a disciplinary offence, as such conduct constitutes the legitimate exercise – or non-exercise – of recognised rights rather than a breach of institutional rules (CPT Report on Ukraine, 2012, Para. 57).

*Administrative solitary confinement*, applied to prisoners considered a serious threat to others or to institutional security, can extend for years and typically operates with the fewest procedural safeguards, making strict rules against its overuse especially critical.

*Protective solitary confinement* serves prisoners who face genuine danger from others due to their offence type, debts, gang affiliations, or personal vulnerability, and may be initiated either by the prisoner or by management. Once a prisoner enters protective status, leaving it often proves extremely difficult.

Across all four types, the common thread is that the inherent dangers of social isolation demand that each form be governed by clear legal rules, individual assessment, proportionality, and meaningful oversight.

Table 2

**Forms of solitary confinement – the CPT Approach (basis and duration)**

	Basis	Who decides	Typical duration
<b>Court-ordered (remand)</b>	Protecting the criminal investigation	Court	Limited; depends on evidence
<b>Disciplinary</b>	Disciplinary sanction for a disciplinary offence	Prison director; judicial body for longer periods	Up to 14 days per offence (CPT maximum)
<b>Administrative / preventative</b>	Prisoner poses a serious risk to others or to prison security	Prison administration	Hours to years
<b>Protective</b>	Prisoner at risk of harm from others (offence type, debts, gang conflicts, general vulnerability)	Prisoner (self-request) or management (initiative)	Potentially indefinite; may extend across sentences

The table categorises four distinct legal bases for isolating prisoners from the general population, each carrying different implications for procedural safeguards and individual rights. *Court-ordered* and *disciplinary segregation* are the most rights-protective forms, as they involve judicial or quasi-judicial oversight and are subject to defined time limits – the CPT's 14-day ceiling on disciplinary isolation reflecting a consensus that prolonged solitary confinement risks irreversible psychological harm. *Administrative* and *preventative segregation* present the most serious human rights concerns, since decisions rest with prison management rather than independent bodies and duration is effectively uncapped, creating conditions in which a prisoner may remain isolated for years without meaningful review. *Protective segregation* occupies a particularly ambiguous position: while nominally imposed for the prisoner's own safety, it can be initiated by management without the prisoner's consent and extended indefinitely, meaning that a vulnerable

individual – segregated through no fault of their own – may in practice face conditions indistinguishable from punitive isolation.

Table 3

### Forms of solitary confinement – the CPT Approach (risks and safeguards)

	Safeguards	Main risks
<b>Court-ordered (remand)</b>	Must be individual and evidence-based; subject to safeguards. Courts should not impose solitary confinement as part of a sentence – that power belongs to prison authorities.	Use beyond genuine investigative need.
<b>Disciplinary</b>	Last resort only, for the shortest possible time. Sequential sentences resulting in uninterrupted periods above the maximum must be prohibited.	Sequential sentences that circumvent the cap
<b>Administrative / preventative</b>	Fewest procedural safeguards of any type. Strict rules against overuse are essential. Safeguards must be rigorously applied at every stage.	Longest lasting type; greatest potential for abuse due to minimal safeguards
<b>Protective</b>	Once placed, removal from protection status is extremely difficult. Safeguards must address the near-irreversible nature of protection placement.	<i>De facto</i> permanent segregation despite the protective rationale

The CPT proceeds from a foundational premise: imprisonment already restricts a person's rights, so any further restriction imposed within detention requires its own, separate justification. Solitary confinement – understood as meaningful isolation from the general prison population and from normal human contact – is among the most severe such restrictions. It therefore attracts heightened scrutiny under both CPT standards and the case-law of the European Court of Human Rights.

To structure that scrutiny, the CPT applies five cumulative requirements, conveniently captured in the mnemonic PLANN.

**Proportionate.** The restriction must be directly linked to a genuine and serious risk – whether posed by the prisoner or faced by them. Because solitary confinement is a grave measure, the harm justifying it must be correspondingly grave, and isolation must be the only means capable of addressing that risk. The longer the duration, the stronger the justification required. As a general principle, only the most serious disciplinary or security grounds can sustain it.

**Lawful.** Every form of solitary confinement must rest on a clear and accessible domestic legal basis. That legal framework must specify the circumstances permitting imposition, the competent decision-makers, the applicable procedures, the prisoner's right to make representations, the obligation to provide reasons, and the modalities for periodic review and appeal. Distinct regimes must be distinctly regulated.

**Accountable.** Decisions and reviews must be fully documented, recording the factors considered, the information relied upon, and the prisoner's input. All staff interactions during the period of isolation – including any attempts to engage and the prisoner's responses – must equally be logged. The paper trail must be complete.

**Necessary.** Only those restrictions genuinely required for safe and orderly detention, or for the requirements of justice, may be imposed. There is no automatic withdrawal of visits, telephone calls, correspondence, or access to reading materials, and other resources are ordinarily available. The regime must remain flexible: any restriction not individually necessary must be relaxed.

**Non-discriminatory.** Decisions may be based only on relevant factors; irrelevant ones must be actively excluded. Authorities are required to monitor the use of solitary confinement at a systemic level – not merely to review individual cases – in order to detect disproportionate use against particular individuals or groups, and to ensure that each instance is supported by objective and reasonable justification.

Taken together, the PLANN criteria do not merely set procedural requirements: they reflect a *broader principle* that deprivation of liberty never suspends human dignity, and that the more severe the restriction, the more rigorous the justification the state must furnish.

Table 4

## The PLANN method

		Core requirement	Detail
<b>P</b>	<b>Proportionate</b>	Restriction must be linked to actual or potential serious harm; isolation must be the only means capable of addressing the risk.	Harm justifying isolation must be as serious as the measure itself. Isolation must be the only means capable of addressing the risk. Longer duration requires stronger justification and greater effort to ensure effectiveness. Only the most serious disciplinary or security grounds can sustain it – this applies universally.
<b>L</b>	<b>Lawful</b>	Every permitted form must rest on a clear, accessible domestic legal basis communicated to those subject to it.	Precise circumstances for imposition. Authorised decision-makers. Procedures to be followed. Prisoner's right to make representations. Obligation to give the fullest possible reasons (limited security exceptions only). Frequency and procedure for reviews. Procedures for appeal. Each type of solitary confinement regime must be clearly differentiated in law.
<b>A</b>	<b>Accountable</b>	Full records must be maintained for all decisions, reviews, and staff interactions throughout the period of isolation.	Factors considered and information relied upon in each decision and review. Prisoner's input, or reasons for any refusal to participate. All staff interactions, including attempts to engage and the prisoner's responses.
<b>N</b>	<b>Necessary</b>	Only restrictions genuinely required for safe, orderly detention or the requirements of justice are permissible.	No automatic withdrawal of visits, telephone calls, or correspondence. No automatic denial of access to resources ordinarily available (e.g., reading materials). Regime must remain flexible: any restriction not individually necessary must be relaxed.
<b>N</b>	<b>Non-discriminatory</b>	Decisions may be based only on relevant factors; systemic oversight is required to detect and prevent discriminatory application.	Irrelevant factors must be actively excluded from decision-making. Authorities must monitor at a systemic level – not merely review individual cases – to detect disproportionate use against particular individuals or groups. Each instance must be supported by an objective and reasonable justification.

So, it can be concluded that the CPT has developed a comprehensive and internally coherent body of standards governing solitary confinement across its various forms – disciplinary, administrative, protective, and security-based – grounded in the overarching requirements of proportionality, necessity, and procedural fairness. This normative framework has been articulated through decades of country visits across Council of Europe member states and is underpinned by a fundamental typological distinction between two categories of restrictive custodial measures: segregation and disciplinary sanctions (Council of Europe, 2008b, Para. 354). *Segregation*, in the CPT's analytical framework, constitutes a preventive instrument grounded in institutional interest and operating as a precautionary mechanism irrespective of individual fault. *Disciplinary sanctions*, by contrast, are retrospective and corrective, triggered by a concrete breach of prison rules and situated within a quasi-penal logic that demands procedural safeguards commensurate with the gravity of the consequences imposed. The conflation of these categories in institutional practice risks undermining the legitimacy of disciplinary proceedings and the proportionality of segregation regimes, with cumulative consequences potentially incompatible with Article 3 of the ECHR.

### **Last Resort and Time Limits**

Solitary confinement must be imposed only in *exceptional circumstances* and for the *shortest possible period*. As a disciplinary sanction, it should not exceed 14 days for a given offence, and sequential sentences producing an uninterrupted period beyond that maximum are prohibited (Council of Europe, 2011, Para. 89). Provisional pre-charge isolation should last no longer than a few hours (CPT Report on Portugal, 2011, Para. 77). These temporal constraints are not merely procedural formalities; they reflect a substantive normative commitment to preventing the accumulation of restrictive measures that, taken in isolation, might each fall below the threshold of inhuman treatment, yet in combination produce effects incompatible with the Convention.

### **Individual Risk Assessment**

Any solitary confinement regime must rest upon an individualised assessment of the specific risk posed by the prisoner concerned; automatic or categorical imposition – including as a component of a court sentence – is incompatible with the CPT standards (Council of Europe, 2005b, Para. 50; Council of Europe, 2012a, Para. 98). The principle of proportionality requires that the measure be continuously balanced against its consequences for the individual (2nd General Report, 1991, Para. 56). By corollary, a prisoner's refusal to work cannot constitute a legitimate penological ground for imposing a regime equivalent to solitary confinement, as such a measure would conflate labour non-compliance with security risk and thereby disproportionately infringe upon the detainee's residual rights (Council of Europe, 2018, Para. 116).

### **Procedural Safeguards**

Prisoners must be informed in writing of the reasons for their placement, given an opportunity to be heard, provided with access to legal assistance, and afforded the right to appeal to an authority independent of the prison administration (Council of Europe, 2003a, Para. 111; Council of Europe, 2019b, Para. 95). Regular and meaningful reviews – at least monthly for the first period and thereafter no less than every three months – are obligatory, and the rigour of such reviews must increase with the duration of the measure (Council of Europe, 2014a, Para. 38; Council of Europe, 2013b, Para. 77).

### **Material Conditions and Regime**

The CPT has established minimum material standards that national authorities are obliged to observe, with particular attention to the specific vulnerabilities created by punitive isolation. Prisoners held in solitary confinement must be entitled to at least one hour of outdoor exercise daily from the first day of placement, access to reading materials, and psycho-social support (Council of Europe, 2007b, Para. 189; Council of Europe, 2017, Para. 78). Cells must meet minimum spatial standards of 6 sq. m., provide natural light, and be equipped with appropriate furnishings (Council of Europe, 2012b, Para. 144).

With respect to basic furnishings, the Committee has objected to the use of pull-down or foldable beds, recommending their replacement with permanently accessible fixed beds (CPT Report on Bosnia and Herzegovina, 2019, Para. 542) and has subsequently reinforced this position by demanding the immediate cessation of the practice of raising beds during the day in disciplinary isolation cells (Council of Europe, 2024, Para. 195). The deprivation of access to a bed during daytime constitutes an additional punitive element beyond the deprivation of liberty itself, thereby raising concerns under the prohibition of inhuman or degrading treatment. Cells must further be equipped with appropriate seating – such as a chair or bench – and, where possible, a table (Council of Europe, 2003b, Para. 105). The CPT has additionally called on national authorities to ensure that prisoners subjected to disciplinary solitary confinement retain the right to secure storage of their personal property, thereby safeguarding their material integrity and dignity during periods of punitive isolation (Council of Europe, 2014b, Para. 84).

These prescriptions concerning material conditions are complemented by firm restrictions on the permissible scope of rights limitations during disciplinary sanctions. The Committee has consistently held that such sanctions must not result in a complete severance of contact with the outside world, and that restrictions on family visits are permissible only where the underlying offence is directly related to those contacts (Council of Europe, 2004, Para. 86; Council of Europe, 2009b, Para. 113). The CPT has called on national authorities to remove legislative prohibitions on outdoor exercise when applied as a special security measure, characterising such a restriction as incompatible with fundamental detention standards regardless of security classification (Council of Europe, 2013a, Para. 40). In a particularly emphatic formulation, the Committee characterised as inadmissible the deprivation of water, food, and outdoor exercise

as a form of disciplinary sanction, affirming that disciplinary measures must not extend to the denial of conditions essential to human dignity irrespective of the gravity of the prisoner's offence (Council of Europe, 2006, Para. 51).

### **Health-Care Obligations**

Every placement in solitary confinement must be immediately communicated to the health-care service; medical staff must visit the prisoner immediately upon placement and at least once daily thereafter (Council of Europe, 2007a, Para. 92). Medical personnel must not participate in the decision-making process leading to solitary confinement, nor be present on disciplinary panels, to preserve the doctor-patient relationship and ensure that clinical judgement remains insulated from institutional disciplinary logic (Council of Europe, 2015, Para. 74).

### **Reintegration Orientation**

The overarching purpose of any review process must be the prisoner's reintegration into the mainstream prison population. Structured individual plans, multi-disciplinary teams, and meaningful human contact of at least two hours daily are required for prisoners held in isolation for more than two weeks (Council of Europe, 2019c, Para. 93). Long-term isolation without rehabilitative measures is considered by the CPT to be incompatible with the fundamental principle that prisoners are sent to prison as a punishment, not to receive punishment (Council of Europe, 2019a, Para. 38).

These prescriptions are underpinned by the CPT's broader empirical and normative concern regarding the desocialising consequences of prolonged incarceration. At the institutional level, long-term prisoners risk developing a dependency on the prison environment – a phenomenon commonly described as prisonisation or institutionalisation – which progressively erodes their capacity for autonomous functioning. At the psychological level, extended confinement is associated with diminished self-esteem and the gradual deterioration of social competencies essential for reintegration (Council of Europe, 2005a, Para. 100; Council of Europe, 2008a, Para. 332; Council of Europe, 2009a, Para. 114; Council of Europe, 2013b, Para. 82). These dynamics generate a deepening alienation from mainstream society that is particularly paradoxical given that the overwhelming majority of imprisoned individuals will ultimately be released. The CPT's repeated articulation of these concerns across multiple country visits reflects its status as an established benchmark in European prison standards, affirming that solitary confinement, while permissible under strictly defined conditions, must not be implemented in a manner that compounds the inherent severity of social isolation through the deliberate denial of elementary physical comfort or fundamental rights.

### **How Much Solitary Is Too Much? A Criminological Inquiry into the Scale of Isolation**

When examining the phenomenon of solitary confinement through the lens of penological analysis, one must identify two fundamental issues that shape the discourse on its legality and appropriateness: the issue of quantity and the issue of quality.

The issue of *quantity* concerns the proportion of inmates held in isolation, regardless of its formal designation in relevant legislation and the internal regulations of correctional facilities. The key point here is that the transformation of solitary confinement from an exceptional measure into a systemic practice affecting a significant portion of the prison population – specifically, more than 4–5% of the institution's total population – indicates a *structural dysfunction of the prison system*, which is unable to effectively achieve the stated objectives of punishment and ensure an adequate level of security in correctional facilities. The widespread use of isolation is thus not a sign of enhanced control but a symptom of an *institutional crisis* requiring a systemic response from the state.

The issue of quality, in turn, is linked to the excessively broad discretionary powers granted to the prison administrations in deciding on the application of solitary confinement, which creates structural conditions for abuse and arbitrariness. In the absence of clear, operationalised criteria and effective mechanisms for external judicial and extrajudicial oversight, such discretion turns solitary confinement into an instrument of discrimination against certain categories of prisoners based on race, ethnic origin, sexual orientation, or the nature of their relationship with prison staff. As Shalev argues, “solitary confinement cells are where those considered to be too dangerous to themselves or to others, too troublesome, too mentally unwell, or simply different, will be locked away, spending 22-24 hours a day alone, out of sight and out of mind” (Shalev, 2022, p. 148).

Thus, both problems – quantitative and qualitative – are interrelated aspects of the same phenomenon of institutional degradation within the prison system, which requires a comprehensive approach to reforming the legal regulation of solitary confinement in accordance with international human rights standards.

According to Martynowicz and Moore, the scale of restricted regime use in Irish prisons gives serious cause for concern. In October 2017, 428 individuals – nearly 11% of the entire prison population – were held under conditions that significantly curtailed their already limited freedoms (Martynowicz, & Moore, 2018). This is not a marginal or exceptional practice confined to the most extreme cases; it is a systemic feature of Irish imprisonment affecting more than one in ten prisoners. A proportion of that magnitude cannot credibly be justified by reference to individual risk assessments or compelling security needs in each case. Rather, it suggests that restricted regimes have become a routine management tool, applied broadly rather than as a last resort.

In the US, nearly 81,000 people – 6.3% of the total United States prison population – were locked in solitary confinement in state or federal prison on a given day in 2019. An additional 42,000 people – 5.5% of the national jail population – were locked in solitary in federal and local jails on a given day in that same year (California Department of Corrections and Rehabilitation, 2026).

In Canada, numerous studies point to the unfair, arbitrary, and discriminatory nature of solitary confinement. According to Barkway and Turcotte, Indigenous youth are over-represented in separate confinement. Between 2017 and 2019, Indigenous youth accounted for 52% of all placements into isolation and 55% of the total hours spent in separate confinement, despite representing a smaller portion of the general population. Furthermore, while males are placed in separate detention more frequently (74% of cases), female and gender-diverse youth are subjected to isolation for longer durations, accounting for 42% and 13% of all confinement hours, respectively (Barkway, & Turcotte, 2022).

Canadian federal prisons have tracked how long prisoners spend in isolation units over seven years (2017–2024). In the early years, around 469–550 prisoners per year had stays longer than 61 days, roughly 33–39 per thousand inmates. Numbers spiked sharply in 2020 – likely due to COVID-19 – when stays exceeding 120 days more than doubled. They then fell to their lowest point in 2022, before rising again in 2023. Projections for 2024 suggest the trend is continuing upward, with an estimated 534 stays over 61 days and 111 over 120 days. In short, Canada renamed its isolation units, but the problem of prolonged isolation has not gone away – and appears to be getting worse (Public Safety Canada, 2024).

The report by the Ontario Ombudsman contains important data concerning the systemic overuse of solitary confinement – officially termed ‘*segregation*’ – in Ontario’s provincial correctional facilities. It is important to note that only 2% of segregation placements are disciplinary in origin; the overwhelming majority are classified as ‘*administrative*’, invoked ostensibly for inmate safety or institutional order, a practice the ombudsman critiques as an evasion of the obligation to develop genuinely protective alternatives (Dube, 2017). The report further highlights that the conditions of administrative segregation are indistinguishable from punitive isolation, in direct tension with the UN Standard Minimum Rules, which treat confinement beyond 15 days as potentially amounting to cruel, inhuman, or degrading treatment (Dube, 2017).

Despite formally established procedural safeguards against the imposition of solitary confinement without proper grounds and against discriminatory application, solitary confinement remains an area of exceptionally broad administrative discretion that is remarkably difficult to subject to meaningful judicial review. Consequently, academic research from multiple jurisdictions convincingly demonstrates that solitary confinement continues to function as a domain of entrenched discriminatory practice, with identifiable social groups – defined by race, ethnicity, or other protected characteristics – facing a significantly elevated risk of placement in such conditions, together with the attendant devastating effects on their physical and mental health.

Racial disparities, as was proved by Labrecque, are among the most extensively documented. People of colour are overrepresented in solitary relative to their share of the general prison population (Labrecque, 2015).

The same data demonstrate racially differentiated outcomes in Segregation/Isolation Unit placements across three duration thresholds. White individuals record the highest rate of short-term confinement (45.3%), while Indigenous individuals show the lowest (36.3%) and the highest concentration of medium-term placements (40.1%). Most critically, Afro-American, Caribbean, and Sub-Saharan African individuals are markedly overrepresented in long-term confinement (25.9%), exceeding both the White (19.3%) and the overall average (22.2%) (Public Safety Canada, 2024).

According to the research conducted by Pullen-Blasnik, Simes and Western, 11% of all Afro-American men in Pennsylvania, born 1986 to 1989, were incarcerated in solitary confinement by age 32 (Pullen-Blasnik, Simes and Western, 2021). Reflecting these racial disparities, the data show a prevalence of only 3.4% for Latinos and 1.4% for white men. About 9% of Afro-American men in the state cohort were held in solitary for more than 15 consecutive days (Pullen-Blasnik, Simes, and Western, 2021).

Another American study on disciplinary solitary confinement reveals systematic disparities across race, gender, sexual orientation, mental health, and childhood trauma. In partially adjusted models, all racial and ethnic minority groups faced higher odds of solitary confinement compared to white individuals – Afro-American people by 36%, Hispanic people by 22%, multiracial individuals by 40%, and those identifying as other races by 46%. Men were 83% more likely than women to receive solitary confinement. Among sexual minorities, gay and lesbian individuals faced 38% higher odds and bisexual individuals 58% higher odds compared to heterosexual peers. People with multiple mental disorders had 26% higher odds than those with none, and each additional adverse childhood experience increased the odds by 17% (Henry, 2022).

Critically, after adjusting for the type of rule violation committed – meaning after controlling for differences in actual conduct – most of these disparities persisted. Multiracial individuals retained 30% higher odds, men 46% higher odds, and bisexual individuals 64% higher odds, with the bisexual disparity actually widening after adjustment. Those with multiple mental disorders remained at 22% higher odds, and the ACE effect held at 13% per additional adverse experience. These results indicate that the disparities are not simply a product of different offending behaviour – they reflect differential enforcement of the same rules against the same conduct, pointing to structural discrimination embedded in prison disciplinary practice (Henry, 2022).

Finally, the CPT's statements on disciplinary practices in custodial settings also reflect a clear and well-documented danger of discrimination and abuse that is structurally inherent to the environment of isolated prisoners – a context in which the absence of witnesses and oversight creates conditions particularly conducive to arbitrary treatment. Against this background, the CPT standard establishes that any disciplinary response to a detainee's conduct must be grounded in formally established legal procedures, thereby excluding the use of extrajudicial or de facto sanctions imposed outside the regulated disciplinary framework. This principle serves a dual function: it ensures legal certainty for detainees by making permissible sanctions foreseeable and defined in advance, and it upholds the accountability of custodial staff by removing institutional tolerance for arbitrary or retaliatory measures. Unofficial punishments – whether physical, psychological, or material in nature – are incompatible with the rule of law and constitute a form of ill-treatment irrespective of their severity (Council of Europe, 2003b, § 74). The particular vulnerability of prisoners held in isolation, who are deprived of the protective presence of peers and subject to intensified staff control, renders this standard not merely a procedural safeguard but an essential bulwark against the discriminatory and abusive use of disciplinary power.

### **ECtHR Jurisprudence**

The European Court of Human Rights has addressed the issue of solitary confinement across a remarkably wide factual spectrum: from brief disciplinary sanctions of a few days to continuous administrative isolations exceeding two years; from maximum-security prisoners deemed exceptionally dangerous to remand detainees, asylum seekers, and individuals held solely on account of their disability, sexual orientation, or expressive conduct. What emerges from a reading of this jurisprudence is not a static application of fixed criteria but a progressive doctrinal elaboration, shaped by CPT standards and driven by cumulative fact-patterns that have repeatedly exposed the limitations of earlier, more permissive formulations.

The Court's engagement with solitary confinement cannot be reduced to a single analytical axis. The practice implicates the absolute prohibition of inhuman and degrading treatment under Article 3, the procedural obligation to provide effective judicial oversight under Article 13, the right to freedom of expression under Article 10, and – in the most severe cases – the right to life under Article 2. This article focuses primarily on the Article 3 trajectory while acknowledging the cross-cutting dimensions that have expanded the legal framework governing isolation in detention.

### **The Threshold Phase: Minimum Severity and the Absence of a Doctrinal Framework**

The earliest cases addressing solitary confinement in the post-2000 jurisprudence reflect a Court primarily concerned with whether the minimum threshold of severity required by Article 3 had been crossed,

without articulating any positive doctrinal framework specific to isolation as a distinct form of ill-treatment. In *M.C. v. Poland* (2000) and *Toth v. Croatia* (2002), the Court declared applications inadmissible as manifestly ill-founded, reasoning, in both instances, that brief placements in solitary confinement – occurring against a backdrop of violent or disorderly conduct – had not produced physical or mental effects of sufficient severity to engage Article 3. The prohibition on using one's bed during daytime, examined in *Toth*, was found not to constitute treatment attaining the requisite threshold, provided the prisoner retained mobility and basic amenities. These early decisions, though unremarkable in their outcomes, foreshadowed the evaluative criteria – duration, physical and mental effects, the individual's personal circumstances – that would crystallise into the Court's settled framework in subsequent years.

The significance of *Rohde v. Denmark* (2005) lies precisely in this crystallisation. The case involved 11 months and 14 days of pre-trial solitary confinement, yet the majority found no violation, placing decisive weight on the regularity of medical supervision and the retention of limited social contacts. Three dissenting judges, however, identified an insufficiency in the Court's framework: the absence of a structural obligation to provide psychological and psychiatric examination regardless of visible symptomatology. This dissent anticipated the subsequent development of the Court's monitoring doctrine and reflected the tension between a reactive, case-by-case minimum-severity assessment and a proactive, systems-level protective standard.

### **The Grand Chamber Benchmark: Ramirez Sanchez and the Procedural Turn**

The Grand Chamber judgment in *Ramirez Sanchez v. France* (2006) constitutes the most consequential doctrinal statement on solitary confinement. Addressing over eight years of continuous administrative isolation, the Grand Chamber focused on complete sensory isolation coupled with total social isolation, which it characterised as capable of destroying the personality and therefore constituting inhuman treatment. The majority found no violation of Article 3 on the substantive limb, a conclusion that attracted five powerful dissents arguing that any confinement exceeding eight years inevitably intensifies distress beyond what the Article 3 threshold can absorb.

More durable than the majority's substantive holding is its procedural framework. The Court established that: (i) solitary confinement must be resorted to only exceptionally and after all alternatives have been considered; (ii) the longer the measure continues, the more detailed and compelling must be the justification advanced by the authorities; (iii) a system of regular monitoring of the prisoner's physical and mental condition is an essential safeguard; and (iv) the absence of effective independent judicial review of solitary confinement decisions violates Article 13. This framework – subsequently absorbed into the Court's routine doctrinal vocabulary – transformed the analysis from a purely outcomes-based inquiry into a *procedural audit of state conduct*. On the latter point, the Grand Chamber unanimously found a violation of Article 13, noting that decisions on solitary confinement in France had, until 2003, been classified as internal administrative measures entirely shielded from judicial review.

### **Deepening the Doctrine: Vulnerability, CPT Integration, and Substantive Justification**

The decade following *Ramirez Sanchez* witnessed a systematic deepening of the procedural safeguards framework and its extension to structurally vulnerable populations. In *Palushi v. Austria* (2009), the Court identified a critical aggravating circumstance that transformed an otherwise tolerable one-week isolation into a violation: the applicant had been on hunger strike for three weeks and was physically and mentally weakened when placed in isolation, yet the decision on continuous medical surveillance was made not by a physician but by an inadequately trained paramedical officer. The judgment established that elevated vulnerability at the moment of placement – rather than only during prolonged isolation – triggers heightened positive obligations.

In the same year, *Khider v. France* clarified the substantive limits of permissible justification. The Court held that membership in an organised criminal network, an unsubstantiated escape risk, or even the commission of a serious disciplinary offence could not, standing alone, warrant solitary confinement. Where authorities relied on the original facts of a prosecution to justify a fresh isolation decision – despite the measure having been lifted two years earlier and no incompatible behaviour having been recorded since – the Court found insufficient justification. Critically, the prison authorities had also failed to act on repeated medical certificates advising against continued isolation, a failure the Court framed in light of the CPT's documented criticism of France's systemic tendency to use solitary confinement as a disposal mechanism for psychiatrically disturbed detainees.

The Russian jurisprudence from this period produced particularly stringent articulations of the individualisation requirement. In *Gorbulya v. Russia* (2014), the Court held that a domestic legal norm automatically imposing solitary confinement on all life-sentenced prisoners – without any individual assessment of risk, necessity, or fitness for isolation – was incompatible with Article 3. The absence of any mechanism for periodic judicial review rendered the measure not merely disproportionate in its application but structurally defective. *Razvyazkin v. Russia* (2012) extended this principle to recurring disciplinary placements operated de facto as continuous isolation, characterising the aggregate period as a continuing situation and requiring that the cumulative effect – rather than any single placement – be assessed against the Article 3 standard. Together, these judgments operationalised the *Ramirez Sanchez* mandate that reasons must become progressively more compelling as duration increases and added the further requirement that the prisoner's physical and psychological fitness for continued isolation must be affirmatively and periodically assessed.

The integration of CPT standards into the Court's reasoning merits particular attention as a methodological development. Beginning with *Onoufriou v. Cyprus* (2010) and intensifying through the Russian cases, the Court systematically incorporated CPT General Report findings, country visit reports, and standards documents into its factual and normative analysis. The CPT's conclusion that solitary confinement should be used only as a last resort, for the shortest possible time, with its damaging effects intensifying with duration and indeterminacy, became standard recital language in the Court's reasoning. This integration reflects a convergence between adjudicative and preventive standards that is distinctive to European human rights law and produces a normative feedback loop: CPT findings inform Court judgments, which in turn authorise CPT standards as authoritative interpretive references.

### **Structural Incompatibility and the Inherent Risk Doctrine**

The most significant recent development in the Court's solitary confinement jurisprudence is the emergence of a structural incompatibility principle, most clearly articulated in *Schmidt and Šmigol v. Estonia* (2023). Confronting the practice of consecutive enforcement of disciplinary punishments – whereby the domestic 45-day maximum was effectively neutralised through back-to-back placements producing 566 and 482 days of continuous isolation respectively – the Court declared the practice of using solitary confinement as a disciplinary measure for long and consecutive periods to be, in principle, incompatible with Article 3. The significance of this formulation is considerable: it moves beyond case-by-case assessment of whether the particular conditions and effects of a given placement crossed the minimum severity threshold and instead identifies a category of institutional practice that is inherently prohibited. The Court further held that prolonged solitary confinement carries an inherent risk of harmful psychological effect on any person, irrespective of the surrounding material conditions – a doctrinal advance that dissolves the previously significant analytical distinction between total and relative isolation when duration is sufficiently extended.

This structural turn has antecedents in the earlier case law but represents a qualitative doctrinal shift. The judgment also addressed a recurrent concern in the Court's monitoring doctrine: the absence of proactive, systematic psychological assessment. Prior cases had required that assessment be triggered by observable deterioration or documented risk; *Schmidt and Šmigol* indicates that the very imposition of prolonged isolation creates an obligation of proactive monitoring, independent of individual symptom presentation. The practical significance of this shift is that prison authorities can no longer satisfy their Article 3 obligations through reactive medical attention; they must establish systemic safeguards capable of identifying harm before it becomes manifest.

### **The Article 10 Dimension: Solitary Confinement as an Instrument of Expression Suppression**

Alongside the Article 3 trajectory, the Court has developed a substantial line of authority – primarily arising from Turkish cases – treating solitary confinement imposed to punish expressive conduct as a violation of Article 10 of the Convention. Beginning with *Yalçınkaya and Others v. Turkey* (2013) and continuing through *Çalağan and Others v. Turkey* (2018), *Öztop and Others v. Turkey* (2018), and *Akyol and Others v. Turkey* (2020), the Court has consistently held that the use of solitary confinement as a disciplinary sanction for the exercise of protected communication – including, in the Turkish cases, the mere choice of a respectful honorific in private correspondence – cannot satisfy the requirements of lawfulness, legitimate aim, and necessity under Article 10 § 2. The analytical significance of this line of authority is twofold: it extends the scrutiny of solitary confinement beyond the absolute prohibition in Article 3 to include

qualified rights subject to proportionality analysis, and it identifies the suppression of political communication as a distinct ground of violation that does not depend on establishing that the severity threshold under Article 3 was crossed.

This Article 10 jurisprudence intersects with the Court's Article 3 doctrine in ways that remain to be fully elaborated. Where solitary confinement is imposed both for expressive conduct and under conditions reaching the inhuman or degrading treatment threshold, the Court has generally found it unnecessary to pursue both analyses. However, the theoretical distinction is important: Article 10 challenges may succeed even where material conditions are acceptable, and durations are short, because the constitutional illegitimacy of the measure is located not in its effect on the person but in its use as an instrument of communicative suppression.

### **Conclusion: Towards a Coherent Framework**

The jurisprudential arc traced in this article discloses a Court that has moved from an essentially reactive, minimum-severity assessment of individual solitary confinement placements towards an increasingly proactive, structurally sensitive framework that imposes substantive and procedural obligations on states independently of demonstrated harm. The central analytical contributions of this evolution are: the procedural audit model established in *Ramirez Sanchez*; the vulnerability doctrine developed through *Palushi*, *Shatokhin*, and *Gorbulya*; the CPT integration methodology that bridges preventive monitoring and adjudicative standards; the individualisation requirement that renders automatic or categorical solitary confinement regimes structurally incompatible with Article 3; and the inherent risk doctrine announced in *Schmidt and Šmigol*, which severs the requirement of demonstrated harm from the obligation of proactive protection in cases of prolonged isolation.

Significant doctrinal tensions nonetheless remain. The *Ramirez Sanchez* majority's refusal to find a violation in eight years of relative isolation has been observed without formal revision in subsequent cases, though the Schmidt and Šmigol inherent risk principle creates considerable pressure on this precedent. The distinction between total and relative isolation, while analytically tractable in cases at the extremes of the spectrum, becomes increasingly difficult to operationalise as intermediate regimes proliferate. And the Court's reluctance to declare that any specified duration of solitary confinement is per se incompatible with Article 3 – notwithstanding the CPT's recommended maximum of fourteen days – leaves open a normative gap that states have not always filled with adequate domestic safeguards. The Court's coming jurisprudence will need to address whether the inherent risk doctrine carries an implicit durational threshold, and if so, what the interaction between that threshold and the existing minimum severity framework should be.

What is not in doubt is that the Court's approach to solitary confinement has undergone a genuine and significant transformation. The measure is no longer treated as an ordinary administrative tool requiring only minimal justification; it is characterised, in the Court's settled vocabulary, as a form of imprisonment within the prison – one of the most serious measures applicable within a detention setting – to be deployed only exceptionally, for the shortest possible time, after all alternatives have been considered, with documented individual justification, regular monitoring, and effective judicial oversight. Whether this framework is fully adequate to the empirical realities documented by CPT visiting delegations and by the growing body of scientific evidence on the psychological harm caused by isolation is a question that the Court's evolving doctrine continues to press.

### **Solitary Confinement as a Latent Penological Problem: Between the Visibility of Conditions and Deep Psychological Destruction**

Solitary confinement remains one of the least transparent forms of the state's punitive influence on an individual. Its latent nature is determined not so much by the institutional secrecy of prisons as by the specific nature of the harm this practice causes: this harm is invisible, delayed in time, and inaccessible to direct public perception. It is precisely this '*invisibility*' that fosters a persistent social myth that the problem of solitary confinement is limited to unsatisfactory material conditions of detention – insufficient lighting, lack of proper ventilation, and limited access to sanitary facilities. In the public imagination, improving these conditions is equated with solving the problem as a whole. However, such an understanding is conceptually flawed and penologically untenable.

Contemporary criminological and psychiatric research conclusively demonstrates that even under optimal material conditions, prolonged social isolation triggers a mechanism of progressive psychological

deconstruction of the individual: deterioration of cognitive functions, disruption of affective regulation, the development of anxiety and depressive disorders, and, in severe cases, psychotic symptoms. These consequences cannot be externally verified by society, are not recorded in the statistical reports of prison administrations, and are therefore systematically ignored in public discourse. This is precisely where the institutional interest of the prison bureaucracy lies: the preservation of solitary confinement as an instrument of disciplinary control is ensured not only by legal regulations but also by public ignorance regarding its actual impact on the individual.

A telling example of how the practice of solitary confinement can, despite the formal legality of each individual disciplinary measure, collectively constitute treatment incompatible with human dignity is the case of *Schmidt and Šmigol v. Estonia*, adjudicated by the ECtHR. Both applicants, who were held at Viru Prison, were subjected to the repeated imposition of disciplinary sanctions in the form of placement in a punishment cell – a regime under which they were confined to their cells in isolation from other inmates for 23 hours a day. As a result, the first applicant spent 566 consecutive days in such conditions, and the second, 482 days. Notably, the material conditions of detention were not the subject of the complaints: the applicants had access to outdoor exercise, radio, newspapers, and medical care.

Estonian courts found these periods to be unlawful and awarded the applicants compensation of 1,700 euros and 1,500 euros, respectively. However, the ECtHR noted that neither the recognition of the violation at the national level nor the compensation paid had remedied the violation of Article 3 of the Convention. The Court emphasised the lack of systematic monitoring of the applicants' psychological condition and the impossibility of shifting the responsibility for identifying their own mental disorders onto the prisoners themselves.

This case is doctrinally significant for several reasons. First, it confirms the established position of the ECtHR: the assessment of solitary confinement under Article 3 of the Convention cannot be limited to an analysis of material conditions – the duration of isolation, its continuity, and the absence of mechanisms for regularly assessing the psychological consequences for a specific prisoner are of decisive importance. Second, the case highlights a structural problem characteristic of several Convention member states: maximum periods of solitary confinement, formally provided for by domestic law, lose any preventive significance if the law does not limit the successive application of individual disciplinary sanctions and if the prison administration is not required to reassess the appropriateness of isolation in light of its cumulative impact. Third, the case illustrates a penological paradox: the prisoners' behaviour (systematic refusal to work), which served as the formal basis for applying the most severe disciplinary measure, may itself be a symptom of psychological maladjustment caused or exacerbated by previous episodes of isolation – that is, the punishment reproduces the conditions that give rise to new punishments.

Thus, the case of *Schmidt and Šmigol v. Estonia* illustrates a key theoretical thesis: public misunderstanding of the nature of solitary confinement and the reduction of the problem to a matter of detention conditions creates a favourable context for the reproduction and legitimisation of this practice, even when standards of material provision are formally met.

### **The Physical Health Impact**

The impact of solitary confinement on a person's physical health has already been the subject of research by numerous scholars, so we will not go into detail here. Instead, we will let the results of specific studies that support this premise speak for themselves.

Penal Reform International stresses that in contemporary penological discourse, the causes of death in custody are increasingly understood not merely as isolated medical events but as the culmination of systemic and structural failures. While official records may cite specific clinical pathologies, solitary confinement stands as a critical '*contributory cause*' of death. By imposing extreme social and sensory deprivation, isolation triggers a cascade of psychological decay which correlates with disproportionately high rates of self-harm, suicide, and physiological decline due to chronic autonomic stress (Penal Reform International, 2022).

The CPT has consistently emphasised the deeply harmful effects of solitary confinement on detained individuals (CPT Report on Norway, 2011, Para. 74).

In *Madrid v. Gomez*, the U.S. District Court for the Northern District of California stressed that "there is plenty of medical and psychological literature concerning the ill effects of solitary confinement".

As Shalev argues, solitary confinement produces a wide spectrum of adverse health consequences affecting both the body and the mind. Physiologically, prisoners commonly experience cardiovascular

disturbances, digestive problems, chronic pain, deteriorating eyesight, weight loss, and profound fatigue – many of which appear to be somatic expressions of psychological stress compounded by the absence of natural light, fresh air, and physical activity (Shalev, 2008, p. 15).

Cohen's article also presents a forceful argument that extended penal isolation, as currently practiced in American prisons, causes profound psychological harm and violates basic human dignity (Cohen, 2008).

The study by Strong *et al.* concludes that solitary confinement is a significant driver of both mental and physical health deterioration, extending far beyond the psychological damage typically associated with isolation. Based on a mixed-methods analysis of 106 incarcerated individuals in Washington State, researchers found that 15% of the sample exhibited '*clinically significant somatic concerns*' according to the Brief Psychiatric Rating Scale. The paper highlights a systemic failure in medical oversight, noting that while participants reported severe symptoms like skin irritations, extreme weight fluctuations, and chronic musculoskeletal pain, objective medical diagnoses remained '*elusive*' due to restrictive facility policies and limited healthcare access. Furthermore, the study identifies a stark racial disparity, as administrative data from the state's 17,943 incarcerated individuals revealed that racial and ethnic minorities are disproportionately represented in solitary units. The authors conclude that these health impacts are not merely incidental but are structural consequences of the '*toxic combination*' of sensory deprivation and forced idleness. Ultimately, the paper argues that solitary confinement functions as a social determinant of health that exacerbates existing health inequities among marginalised populations (Strong, et al., 2020).

Research by LeMasters *et al.*, drawing on data from 41,525 individuals newly incarcerated in North Carolina state prisons between February 2021 and June 2023, provides evidence linking solitary confinement to elevated in-custody mortality. Nearly one-quarter of the cohort – 9,524 individuals, or 23% – experienced solitary confinement during the study period, and 18% were held in solitary confinement for two or more consecutive weeks, the threshold internationally recognised as torture under the UN Nelson Mandela Rules. The weekly proportion of individuals in solitary confinement grew from approximately 3.5% at the start of follow-up to over 6.3% by its end in mid-2023 – a trajectory that exceeded even the state's own reported figures and aligns with post-COVID-19 concerns about entrenched use of restrictive housing. The mortality data are particularly striking: those who never experienced solitary confinement had an all-cause in-custody mortality rate of 1.96 per 100,000 person-weeks, whereas those who experienced solitary confinement at any point died at a rate of 4.23 per 100,000 person-weeks – more than twice as high (LeMasters, et al., 2025).

### Psychological Effects

While psychological trauma alone may not suffice for a violation, subjecting prisoners with pre-existing mental illnesses to isolation can constitute cruel and unusual punishment (Solitary Watch, 2026).

Even by the end of the 19th century, it became clear that solitary confinement constituted a form of ill-treatment. In *re Medley*, the U.S. Supreme Court stressed that 'a considerable number of the prisoners fell, after even a short confinement, into a semi-fatuous condition, from which it was next to impossible to arouse them, and others became violently insane; others still committed suicide, while those who stood the ordeal better were not generally reformed, and in most cases did not recover sufficient mental activity to be of any subsequent service to the community' (Medley, Petitioner, 134 U.S. 160).

Smith argues that the detrimental psychological effects of solitary confinement were already empirically documented in nineteenth-century Scandinavian penal practice. Drawing on the observations of Frederik Bruun (1867), governor of Vridsløselille prison in Denmark – one of the earliest purpose-built cellular confinement facilities in Europe – Smith highlights that Bruun's systematic analysis of prison records revealed a recognisable clinical pattern among isolated inmates: a progressive deterioration from passive apathy and physical inertia into frank depressive states and, ultimately, more severe forms of mental disorder. That prison medical reports of the era routinely classified this condition simply as '*lethargy*' or '*listlessness*' reflects, in Smith's reading, not the absence of awareness but rather the institutional normalisation of what was in effect a collapse of the self – a wholesale substitution of '*physical and spiritual lethargy*' for ordinary human agency (Smith, 2019).

The Istanbul Statement (2007) presents a clear consensus among medical, legal, and human rights experts that solitary confinement is a deeply harmful practice that causes serious psychological and physiological damage, with negative effects emerging after just a few days of isolation. It is documented as capable of amounting to torture or inhuman treatment under both UN and European human rights frameworks, including Article 3 ECHR and the CPT's established standards – areas directly relevant to the CPT work and ECHR practice. The Statement's core normative message is threefold: solitary

confinement must be used only as an absolute last resort, for the shortest possible time, and must be absolutely prohibited for mentally ill prisoners, children, and death row or life-sentenced inmates (The International Psychological Trauma Symposium, 2007).

In general, there is a strong presumption that the psychological impact of solitary and supermax confinement is characterised by a *synergistic effect*; while the individual components of isolation are independently deleterious, their interaction creates a holistic experience that is significantly more destructive than the sum of its parts. These environments impose extreme limitations on physical movement and cognitive engagement, subjecting individuals to unprecedented levels of enforced idleness that erode executive function. This experience is further complicated by a spatial paradox: prisoners suffer from '*unconventional crowding*' within drastically limited areas, often enduring the simultaneous trauma of being socially isolated while physically overcrowded in shared cells. Furthermore, the systematic prohibition of meaningful human contact – with peers, staff, or visitors – prevents the maintenance of essential social skills and threatens the preservation of a coherent social identity. When these deprivations are immersed in a climate of negative affect, institutional stigma, and heightened potential for mistreatment, the resulting psychological mix produces a documented level of toxicity that poses a profound threat to long-term mental stability (Haney, & Lynch, 1997, p. 486).

### **Death Row Phenomenon**

In some prison systems, individuals awaiting execution are kept separately from the general prison population in dedicated units commonly known as '*death row*'. In many countries, this segregation takes the form of solitary confinement, applied without any legitimate security rationale. The profound isolation and prolonged uncertainty surrounding the timing of execution can give rise to what is widely described as '*death row syndrome*' or '*death row phenomenon*' – a psychological condition that the ECtHR has recognised as constituting cruel, inhuman and degrading treatment in breach of international human rights standards.

This position is reinforced by the United Nations Standard Minimum Rules for the Treatment of Prisoners, which explicitly prohibit the use of solitary confinement where it is grounded solely in the nature of an inmate's sentence – a prohibition that extends to those sentenced to death. From the standpoint of sound prison administration, there is no defensible basis for routinely confining such prisoners in isolation and denying them access to work, educational programmes, or cultural engagement (United Nations Office on Drugs and Crime, 2016).

### **Solitary Confinement and Mental Illness – A Compounding Crisis**

The starting point here is the fact that people with serious mental illness occupy perhaps the most paradoxical position: they are simultaneously the most vulnerable to solitary's pathological effects and the most likely to be subjected to it (National Institute of Justice, 2016).

Although a detailed analysis of the psychopathological consequences of solitary confinement is the prerogative of professional psychiatrists and clinical psychologists, the accumulated body of empirical research takes on a qualitatively different dimension in the context of criminal justice. The representativeness, methodological rigour, and conceptual consistency of these studies form a robust scientific presumption that should serve as a starting point for judges, prosecutors, and prison administrations when assessing conditions of detention.

In other words, the negative impact of solitary confinement on a person's mental health takes on the character of an axiom – a legal and anthropological postulate that does not require proof in every specific case but rather serves as the starting point for any rational reasoning on this issue. The rejection of this axiom, or its disregard by practitioners of criminal justice, should be viewed not as a manifestation of scientific scepticism, but as a departure from the standards of evidence-based legal practice. Further research in this field undoubtedly remains scientifically valuable; however, its function lies not in verifying the axiom itself, but in deepening the understanding of the mechanisms of its operation, the limits of its application, and the differential consequences for various categories of persons.

The harmful psychological effects of solitary confinement were not discovered in modern times – they were systematically documented as early as the mid-19th century. Medical observers across Germany, England, and the United States consistently identified solitary confinement as a direct cause of psychotic illness, hallucinations, and mental deterioration among prisoners, findings so compelling that they ultimately drove the dismantling of isolation-based prison systems across the Western world before the century's end

(Shalev, 2008: 10). For example, observations were made in England, where in 1850, 32 out of every 1000 prisoners had to be removed from their solitary cells in Pentonville prison on grounds of insanity, compared to 5.8 prisoners per 1000 in prisons not practising solitary confinement (Shalev, 2008, p. 10).

Grassian's 1983 study provides early clinical evidence that solitary confinement produces a distinct and recognisable psychiatric syndrome. Observing 14 inmates at Walpole prison after conditions of strict isolation were imposed, he identified a consistent cluster of symptoms – perceptual hypersensitivity and hallucinations, severe anxiety and panic attacks, cognitive disorganisation, paranoid ideation, emergence of violent ego-dystonic fantasies, and impaired impulse control. Notably, prisoners tended to minimise these symptoms initially, which makes the findings arguably more, not less, credible. A particularly significant finding was the rapid disappearance of symptoms once isolation was lifted, suggesting a direct causal relationship rather than coincidental psychiatric deterioration. Grassian also situates his findings within the 19th-century German clinical tradition, which had extensively documented prison-induced psychoses – a body of literature largely forgotten by 1983 (Grassian, 1983).

Contemporary research consistently confirms that solitary confinement produces severe psychological harm. Studies from the 1960s onward identified '*confinement psychosis*' – a medical condition marked by hallucinations, delusions, and psychotic reactions resulting from prolonged isolation and inactivity. Grassian's 1983 psychiatric evaluation of prisoners at a Massachusetts institution documented perceptual changes, affective disturbances, memory and concentration problems, and impulse control failures, while Haney's 1993 study of 100 randomly selected prisoners at California's Pelican Bay supermax found that over 90% suffered anxiety and nervousness, more than 80% experienced headaches and sleep trouble, and 70% feared impending mental breakdown. The cumulative body of literature led Haney, & Lynch to conclude that the supermax experience is "psychologically painful, can be traumatic and harmful, and puts many of those subjected to it at risk of long-term emotional and even physical damage" (Shalev, 2008, p. 11-12).

Research conducted by Drs. James Gilligan and Bandy Lee reveal even more alarming figures among adolescents held in punitive segregation: 73% of those placed in solitary confinement were found to suffer from either serious or moderate mental illness (New York Advisory Committee to the U.S. Commission on Civil Rights, 2014, p. 32).

Silverthorn and Zgoba provide evidence linking solitary confinement to heightened demand for mental health services among incarcerated individuals upon their return to the general population (Silverthorn, & Zgoba, 2024).

In his work, Haney proves that psychologically, solitary confinement is defined less by the hours spent in a cell and more by the severe deprivation of meaningful social interaction, sensory stimulation, and purposeful activity, which can cause significant harm even if a prisoner is technically granted time outside their cell (Haney, 2019). A study conducted at the Pelican Bay State Prison SHU assessed how the harsh conditions of solitary confinement correlate with high rates of psychological trauma and isolation-related mental illness (Haney, 2019).

Moreover, as Haney argues, while originally conceived as a tool for total institutional control and moral rehabilitation, the practice instead produced devastating physical and psychological trauma. Modern research, such as the systematic assessments conducted at Pelican Bay State Prison, confirms that these draconian environments foster deep-seated psychopathology rather than prisoner reform. These findings suggest that the harm of isolation is defined not just by physical enclosure, but by the profound deprivation of meaningful social and sensory stimulation. Consequently, the historical failure of these experiments serves as a critical warning against the use of extreme social exclusion in contemporary penal systems. Recognising these inherent dangers is essential for developing more humane and effective pathways toward genuine prison reform (Haney, 2019).

Haney's concept of '*social death*' describes a profound psychological transformation that occurs when prisoners are subjected to total, punitively enforced isolation for years or even decades. Unlike typical social exclusion, this state represents a complete severance from the human community, where the magnitude of isolation exceeds any other experience in modern society. This prolonged detachment often leads to '*ontological insecurity*', a deep-seated crisis where individuals begin to doubt their own existence and '*being*' in the world. Because these prisoners are frequently denied any physical or vocal contact with loved ones for vast periods, the mirrors of their identity – the people who verify they exist – are effectively removed. Consequently, many inmates stop feeling merely alienated and instead start to feel '*alien*', as if they no longer belong to the social world at all. This transition is marked not by a sense of survivalist pride, but by a painful resignation to a life where their humanity has been systematically erased (Haney, 2019).

Moreover, according to Haney, *'isolation panic'* is an immediate and acute adverse reaction to the sudden, total loss of social contact and environmental stimulation. This state of social panic arises because the prisoner is abruptly severed from the meaningful relationships and sensory inputs that typically ground a person's sense of security. Without any outlets to express their suffering or peers to validate their experience, the individual's psychological distress escalates rapidly into a sense of overwhelming crisis. For those who do not immediately succumb to this panic, the trauma simply shifts into a long-term, mounting pathology that eventually culminates in *'social death'*. Ultimately, this panic serves as the first stage of a devastating psychological breakdown caused by a level of exclusion that is nearly unparalleled in modern society.

### **Vulnerable Populations – Juveniles, Women, LGBTQ+ Persons, Persons with Disabilities**

As Goodman *et al.* argue, due to systemic inequities and demographic biases, solitary confinement is disproportionately applied to marginalised groups – including racial minorities, women, LGBTQ+ individuals, and those with disabilities – often resulting in more frequent or severe placement for non-violent infractions compared to the general prison population (Goodman, et al., 2022, p. 9). Moreover, despite being particularly susceptible to severe psychological and physical decline, vulnerable populations – including youth, the elderly, and those with mental illness – are paradoxically subjected to solitary confinement at high rates, often as a result of behaviours directly stemming from their conditions (Goodman, et al., 2022, p. 10).

Research across multiple demographics indicates that solitary confinement is disproportionately applied to marginalised and vulnerable populations, including Afro-American and Hispanic individuals, women, LGBTQ+ persons, and those with disabilities. Studies highlight that incarcerated Afro-American persons, including minors, are significantly more likely to be placed in isolation than their white counterparts due to historical and ongoing systemic racial discrimination. While men are more frequently incarcerated, women are often isolated for minor, non-violent infractions and face higher risks of sexual victimisation and psychological trauma. Furthermore, groups such as the elderly, juveniles, and those with pre-existing mental illnesses are at a *'shockingly high'* risk of suicide and permanent cognitive decline when subjected to isolation. Research also reveals that individuals with physical disabilities are frequently punished with solitary confinement simply because facilities fail to provide the reasonable accommodations necessary for them to understand or follow prison rules. Finally, data from immigrant detention centers show that ICE frequently uses solitary confinement for *'protective custody'* of vulnerable detainees, often disregarding lawful procedures and exacerbating mental health crises (Goodman, et al., 2022, p. 10).

Youth and young adults constitute a special category of heightened vulnerability. Given that neurological development continues well into the mid-twenties, the imposition of prolonged isolation during formative stages of cognitive and emotional maturation carries consequences that extend well beyond the period of confinement itself. Forced idleness, a structural feature of solitary, tends to generate precisely the behavioural dysregulation that then justifies extended placement – an institutional loop with no rehabilitative exit (Labrecque, 2015).

Therefore, it is not surprising that there is a stable position across numerous jurisdictions that solitary confinement must not be imposed as a consequence of the nature of a prisoner's sentence and must categorically exclude its application to women and children. The UN Human Rights Committee has further affirmed that extended periods of solitary confinement may rise to the level of torture or constitute cruel, inhuman, or degrading treatment or punishment (United Nations Office on Drugs and Crime, 2011). The Committee further stated that solitary confinement should never be applied to children (UN Committee against Torture, 2017).

Gallagher points out that the practice of juvenile solitary confinement, often euphemistically labelled as *'room confinement'* or *'restricted engagement'*, presents a significant crisis within the American justice system. Research indicates that the prevalence of mental disorders among incarcerated youth is approximately 60%, a figure nearly three times higher than that of the non-incarcerated juvenile population. This vulnerability is acutely exploited by the use of isolation, which is closely correlated with self-harm and fatality; notably, 50% of suicides committed by children in detention occur while the individual is in solitary confinement. Furthermore, approximately 62% of all minor suicide victims in detention facilities had a recorded history of being placed in solitary confinement at some point during their incarceration (Gallagher, 2014).

Clark's research presents a compelling case that juvenile solitary confinement constitutes a form

of child abuse, grounded in both empirical research and ethical reasoning. The evidence consistently shows that adolescents are more neurologically and psychologically vulnerable to the harms of isolation than adults, making the practice especially dangerous for this population. Despite growing condemnation from international bodies, professional organisations, and some legislative reforms, the practice persisted in more than 20 U.S. states at the time of writing. The author frames the clinician's dilemma as a genuine ethical conflict between institutional obligations and the duty to protect patients from foreseeable harm. Clark ultimately argues that mental health professionals working in juvenile detention facilities are not merely ethically justified but legally mandated to file child abuse reports when their patients are subjected to solitary confinement. While acknowledging the practical obstacles – including likely administrative futility and professional risk – he maintains that filing such reports is a necessary act of advocacy that forces the issue into a protective legal framework. The paper closes with a call for professional organisations to actively support clinicians willing to take on that risk, framing individual clinical courage as inseparable from broader systemic reform (Clark, 2017).

The College of Family Physicians of Canada specifically recommends ending the practice for youth (College of Family Physicians of Canada, 2012).

As far as women are concerned, they, as Goodman *et al.* argue, particularly those of colour, are often subjected to solitary confinement for non-violent infractions or as retaliation for reporting staff sexual misconduct. This population faces exceptionally high rates of mental illness, which is frequently exacerbated or even triggered by the trauma of extreme isolation (Goodman, et al., 2022).

LGBTQ+ people face a structurally distinct pathway into solitary: in many jurisdictions, '*protective custody*' – nominally a safeguard – operates in conditions indistinguishable from punitive isolation and is applied to this population as a default management tool rather than as a genuine last resort (Labrecque, 2015).

Additionally, LGBTQ+ individuals are disproportionately targeted for solitary confinement, often under the guise of '*protective custody*' to manage the heightened risk of sexual abuse and violence they face. Studies indicate that 28% of lesbian, gay, and bisexual prisoners experience solitary confinement annually, compared to 18% of heterosexual prisoners, frequently as a result of punishment for consensual sex or identity-based stigma. This isolation is often involuntary, and many survivors remain in these conditions for years, which severely restricts their access to the education and work programs necessary for parole. Because these individuals may serve longer sentences due to a lack of program credits, the current system effectively penalises them for their vulnerability. Consequently, legal advocates are increasingly looking toward the Eighth Amendment and international human rights rulings to challenge the normalised use of isolation against this population.

### **Penological Effectiveness – Security, Deterrence, and Recidivism**

The debate over the impact of solitary confinement on recidivism, crime prevention, and institutional security is among the most methodologically complex in contemporary criminology, since isolation, as a penological phenomenon, exerts both individual and institutional effects whose empirical verification is significantly more difficult than that of other criminological variables. Unlike recidivism rates or crime levels, the impact of strict isolation on an inmate's behaviour and on the overall socio-psychological atmosphere within an institution cannot be unambiguously quantified, which inevitably generates epistemological uncertainty in building the evidentiary record. It is precisely this uncertainty that forms the structural basis for the sharp confrontation between the scientific community, human rights organisations, and independent expert institutions, on the one hand, and prison administrators, on the other. The latter side of this discourse – sometimes openly, sometimes implicitly – advances the position that solitary confinement is not only an exceptional measure but also an indispensable tool for maintaining order and discipline, thereby shifting the burden of proving harm onto its opponents. At the same time, this discussion cannot be adequately understood outside the context of the hidden functionality of the modern correctional facility as an institution of social control, within whose architecture isolation regimes serve not only their declared security functions but also disciplinary and symbolic-authoritarian ones. In this sense, solitary confinement is inseparable from the subcultural mechanisms through which hierarchy and authority are reproduced within the prison – mechanisms systematically described in the Foucauldian tradition of analysing disciplinary power. Consequently, any reformist discussion of solitary confinement inevitably assumes the character of a broader debate about the legitimacy and limits of prison power as such.

Prison administrators, focusing on the instrumental utility of solitary confinement as a disciplinary and security mechanism, tend to endorse the paradigm of its necessity and usefulness. The prevailing institutional

position holds that solitary confinement operates, at minimum, in a neutral capacity – neither exacerbating recidivism nor undermining institutional order – while nonetheless retaining its purported preventive function. This view finds partial support in the empirical literature (Clark, & Duwe, 2019).

However, solitary confinement tends to be a foundational strategy for institutional governance rather than a localised disciplinary tool. Faced with severe overcrowding and a lack of resources for alternative solutions, administrators are increasingly turning to aggressive punitive segregation as a primary tool for maintaining control (Haney, & Lynch, 1997, p. 480).

In *Madrid v. Gomez*, the U.S. District Court for the Northern District of California stressed that “a considerable number of the prisoners fell, after even a short confinement, into a semi-fatuous condition, from which it was next to impossible to arouse them, and others became violently insane; others, still, committed suicide; while those who stood the ordeal better were not generally reformed, and in most cases did not recover sufficient mental activity to be of any subsequent service to the community” (*Madrid v. Gomez*, 889 F. Supp. 1146).

The empirical evidence demonstrates that solitary confinement fails to meet its intended goals of safety and rehabilitation, often yielding opposite effects. Data from states that reduced isolation by up to 75% suggest that prison environments actually become significantly safer and less violent when restrictive housing is minimised (Students for Prison Education, Abolition, and Reform, 2026).

In Texas, the recidivism rate among inmates released from solitary stood at 61%, compared to 49% for the general prison population – a 12-percentage-point gap that signals a troubling trend. The disparity was even more dramatic in Connecticut, where 92% of inmates held in solitary for disciplinary reasons were rearrested within three years, versus 66% of regular inmates – a difference of 26% (Blanc, 2019).

A study conducted by Morris (2015) found no significant relationship between brief exposure to solitary confinement – imposed as a disciplinary response to prison violence – and the subsequent likelihood of violent or disruptive conduct among male inmates drawn from a large state prison population. From a policy perspective, these results cast doubt on the justification for punitive segregation regimes that permit broad discretionary authority over the frequency and length of solitary placements, though further validation remains necessary. The findings equally challenge two competing assumptions underlying current policy: first, that short-term solitary confinement serves as an effective deterrent against future violence or maladaptive behaviour; and second, that such confinement actively worsens behavioural outcomes in the immediate aftermath (Morris, 2015).

Solitary Watch (2023) points to the 2009 Florida State University study, which found that individuals held in supermax facilities were reconvicted of violent crimes at a rate 18% higher than those who were not. Similarly, for those involved in gangs, the experience of solitary led to a 9.7% increase in violent misconduct and a 12.3% increase in non-violent misconduct (Solitary Watch, 2023).

Research in North Carolina revealed that individuals who spent time in solitary were 78% more likely to die by suicide and 54% more likely to die by homicide in their first year after release compared to those who remained in the general population. The practice also correlated with a 127% increase in the risk of death by opioid overdose within the first two weeks of release (Solitary Watch, 2023).

In New York State, individuals held in isolation died by suicide at more than five times the rate of the general prison population between 2015 and 2019. In New York City’s jail system, exposure to solitary made a person 3.2 times more likely to engage in self-harm. Most strikingly, the damage does not end at the cell door – a large-scale study of over 200,000 released prisoners found that those who had experienced any period of solitary confinement were 78% more likely to die by suicide within the first year of release than peers who had never been isolated (James, & Vanko, 2021).

Research by Luigi *et al.* also provides robust empirical evidence that solitary confinement is not a neutral correctional measure but an active contributor to post-release criminal behaviour. Drawn from 12 studies encompassing 194,078 incarcerated individuals, the analysis reveals a consistent and statistically significant association between exposure to solitary confinement and subsequent recidivism across multiple outcome measures (Luigi, et al., 2022).

### **From Evidence to Explanation: The Unresolved Question of Solitary Confinement’s Persistence in Contemporary Prison Systems**

The issue of solitary confinement at the beginning of the 21st century has taken on a qualitatively different dimension compared to what it was in previous eras of penitentiary thought. This conceptual shift is driven not so much by changes in human rights rhetoric or the evolution of international standards

for the treatment of prisoners, but rather by the accumulation of a substantial body of empirical research that has convincingly and unequivocally documented the devastating impact of isolation on a person's physical and psychological well-being. This impact not only fails to curb destructive behaviour but actively provokes it, driving prisoners toward self-harm, suicide attempts, and profound psychological disintegration. It is precisely this circumstance that gives human rights defenders and organisations entirely valid grounds to assert that, in many cases, solitary confinement crosses the threshold of torture and inhuman or degrading treatment – and this refers not so much to the material conditions of detention as to the indirect yet inevitable impact of prolonged isolation on a person's mental and physical health.

It must be acknowledged that calls to end or radically restrict the practice of solitary confinement have long moved beyond the realm of declarative human rights discourse, which might otherwise be dismissed as *humanitarian populism*. These calls reflect a real and urgent need for a response – both from international institutions and from states themselves – to a phenomenon whose dangers are no longer in doubt within the scientific and human rights communities. However, this is precisely where a key methodological question of contemporary penological discourse arises: is it enough merely to acknowledge this danger?

In our view – no. And this is precisely where the fundamental novelty of the 21st-century research approach to solitary confinement lies.

The assertion that solitary confinement constitutes a form of ill-treatment, that it causes irreparable harm to a person's physical and mental health, and that it is incompatible with any concept of humane treatment of prisoners – all of this no longer requires further proof. It is an axiom that must be accepted as such and taken as an indisputable foundation for shaping prison policy at the national level. Science has done its part. Decades of clinical observation, criminological research, and human rights monitoring have established an unshakeable body of evidence. To continue constructing academic debate around the question '*Is solitary confinement harmful?*' is to waste intellectual resources on clarifying what has long since *been* established.

To be fair, it should be noted that in isolated – extremely rare – cases, solitary confinement does not produce a noticeable destructive effect on a given individual. There are people who, when held in solitary confinement, show no signs of mental instability, no tendency toward self-harm, and no aggressive behaviour toward staff or other inmates. Such cases, however, are exceptions that only underscore the general rule. The vast majority of prisoners suffer profound and often irreversible psychological damage from solitary confinement. But, to emphasise once more: this is already known. It is no longer a matter of debate – it is the starting point for a far more serious conversation.

Similarly, the argument regarding the discriminatory nature of solitary confinement no longer requires extensive justification. Numerous studies have convincingly documented striking disparities in its application based on race, gender, and membership in specific social groups. Moreover, the very institutional logic of solitary confinement grants prison administrations broad discretionary powers, which objectively contribute to the reproduction and deepening of such disparities. This, too, is an established fact, not a discovery. And if we stop there, the inquiry forfeits its true analytical potential.

The central question of contemporary penological thought is both deeper and more provocative: why, despite more than half a century of continuous empirical research, and despite the absolute and documented failure of the Auburn and Pennsylvania prison systems – two of the most instructive historical precedents clearly demonstrating the catastrophic consequences of systematic isolation – does solitary confinement not only persist but remain a widespread practice in the vast majority of the world's prison systems?

The answer to this question is, in our view, directly linked to the degree of transparency with which each state reports the actual number of individuals held in solitary confinement within its correctional facilities. For it is here that the fundamental internal contradiction of modern correctional practice resides.

Official doctrine consistently positions solitary confinement as an extraordinary measure – an exception to the general rule, justified either by the need to protect a specific individual from other inmates (protective isolation) or by the need to protect other inmates from that individual (disciplinary isolation). Both scenarios presuppose that the situation is atypical, exceptional, and temporary. The underlying logic is internally consistent and, in certain extreme cases, may carry some legal justification.

However, when it emerges that, for example, 10% of an institution's entire inmate population is held in solitary confinement, the very *concept* of an exceptional measure collapses. If one in ten inmates finds themselves in a situation that was, by its very nature, intended as a rare deviation from the norm, it is no longer an exception. It is a *system*. And this system, cloaked in the language of exceptionalism and individualised response, in practice functions as a *structural mechanism of social control* within the prison.

The transformation of an exceptional measure into a systemic, consistent, and long-term practice is, in our view, direct and irrefutable evidence that the prison system itself is not functioning properly. It signals that neither static nor dynamic security within the institution is being ensured, that adequate socio-educational engagement with inmates is absent, and that the declared goals of punishment – foremost among them resocialisation and preparation for reintegration into society – are not being realised. In this sense, solitary confinement becomes not a tool of rehabilitation but a symptom of institutional failure.

Contemporary prison practices frequently resort to *semantic camouflage*: solitary confinement is rebranded under such labels as ‘special units for enhanced rehabilitation’, ‘intensive care wards’, or ‘individual psychological support programmes’. The form changes and the terminology is updated, but the substance remains unchanged. The person is isolated. The person is deprived of social interaction. The person is held in conditions that objectively undermine their mental health. A cosmetic renaming of the practice does not alter its nature and certainly does not resolve the underlying problem.

### **Whom We Isolate, From Whom: Solitary Confinement, Informal Hierarchies, and the Limits of Carceral Sovereignty**

Therefore, building on the argument presented above concerning the number of inmates in solitary confinement, the proportion of inmates held in solitary confinement relative to the total prison population – and the duration of their confinement – constitutes, in practice, a highly significant, if indirect, indicator of the health of a correctional facility and of the correctional system as a whole.

This indicator must accordingly be treated as analytically indispensable. Yet it gives rise to a further question, one that flows logically from the preceding point about how the state exercises control over prisons: by what means, to what end, and through what mechanisms is a prison kept under control?

Here, the decisive factor is the diversity of correctional facilities and correctional systems – and, to speak plainly, the presence or absence, and the corresponding development or underdevelopment, of informal prison hierarchies, as well as the degree to which organised crime has penetrated the management of correctional systems.

The CPT has recently published its guidelines on informal prison hierarchies and the influence of prison subculture on the prison population (European Committee for the Prevention of Torture, 2025). We contend that this indicator must also be analysed in conjunction with quantitative and qualitative data on inmates held in solitary confinement.

The central question underlying any use of solitary confinement is: *whom are we placing in isolation, from whom are we separating them, and to what end?* If we are speaking of specific dangerous individuals by reason of severe mental illness, criminal record, or affiliation with criminal organisations, that constitutes one situation – and, again, an exception to the general rule.

The picture changes fundamentally, however, when we consider the deep entrenchment of informal prison hierarchies – a defining feature of post-Soviet prison systems, the prison systems of most countries in Latin America and South America, the United States, and elsewhere. In many such cases, the state has effectively lost control over its prisons and attempts to reassert it, in part through the expanded use of solitary confinement – ostensibly to protect the majority of prisoners from individual dangerous inmates.

In the specific context of post-Soviet prison systems, one can observe the state attempting to protect, if not a majority, then at least a substantial portion of the prisoner population from the influence of informal prison hierarchies that de facto govern the internal life of the institution. This factor, too, demands rigorous analysis.

The arithmetic and geometry of solitary confinement are, in themselves, not complicated. The analytical framework we have proposed can, we believe, genuinely help to illustrate and demonstrate the underlying logic of a given solitary confinement regime, which, in turn, is key to illuminating the question of state control over prisons, the orientation of the prison system, and the effectiveness of dynamic security and related mechanisms that speak directly to the social character of a state's prison policy.

### **Isolation by Design: The Undeclared Functions of Solitary Confinement in Contemporary Systems of Social Control**

Solitary confinement is one of those phenomena in modern penal law that, despite countless criticisms from international bodies, the human rights movement, and the academic community, demonstrates remarkable institutional resilience. Every year, the UN Anti-Torture Committee, the CPT, and the UN Special Rapporteur on Torture document the systematic use of solitary confinement both in the prison

systems of the Global South and in states that consider themselves models of the rule of law. The question that remains unanswered is, in its formulation, compellingly simple: *why?*

The obvious answer – imperfect law enforcement, lack of resources, and the inertia of bureaucratic systems – is a technical response and, as will be shown below, a fundamentally insufficient one. This article argues that the persistence of solitary confinement as an institution is not a consequence of administrative negligence; it is structurally rooted in the very logic by which the penal state and contemporary models of social control operate.

Foucault's genealogy of punishment – outlined in *Discipline and Punish* (1975) – describes the birth of the prison as the triumph of normalising power over the power of sovereign execution. Bentham's *panoptic architecture* became a metaphor for a new regime of subjectivation: the prisoner no longer undergoes public corporal punishment but remains under the unceasing gaze of normalisation, which transforms him into an obedient object of corrective intervention. Solitary confinement within this paradigm – first the Quaker model, then the Pennsylvania and Auburn models – had a very specific correctional teleology: isolation as a condition for self-reflection, moral contemplation, and, ultimately, spiritual transformation.

However, as is well known, the '*correctional prison*' as a project had already failed by the 19th century – a failure that the system itself refused to acknowledge. Recidivism rates remained consistently high, resocialisation remained merely declarative, and the penitentiary institutions themselves became schools of crime rather than workshops of virtue. This obvious dysfunction did not lead to the abolition of prisons; it led to a transformation of the discourses justifying them.

It is precisely this observable logic – where the failure of an institution becomes an argument in favour of its expansion – that attracted the attention of later theorists. In *Visions of Social Control* (1985), Cohen described a process he termed '*net-widening*': the decarceration of the 1960s and 1970s did not reduce the scope of social control but expanded it, extending the logic of the prison to non-institutional forms of surveillance. Bauman, analysing late modernity, pointed to the function of imprisonment as a mechanism for managing '*human waste*' – those whom formerly dominant industries had deprived of any place in the system of production and consumption.

The most uncomfortable question arising from any analysis of the persistence of solitary confinement concerns its *functionality for systems of power*. If solitary confinement fails to achieve any of its stated goals – it does not reform, resocialise, or ensure institutional security any better than alternative regimes – and at the same time inflicts documented serious psychological harm, then the only rational explanation for its continued existence is that it fulfils other, undeclared functions.

The theory of prison functionalism allows us to identify at least three such functions.

First, the function of neutralisation and isolation. In a post-industrial society, the prison increasingly functions not as a space for reformation but as a space for '*storage*' – the management of a surplus population. Solitary confinement is the extreme expression of this logic: isolation within isolation, the maximum removal of the individual from any social ties.

Second, the function of disciplinary terror. Solitary confinement, as a regime of punishment or the threat thereof, performs a crucial function in maintaining hierarchical order within prisons. Its existence as a possibility is just as important as its actual application: the very threat of isolation structures the behaviour of the prison population as a whole.

Third, the function of symbolic sovereignty. The state that imprisons demonstrates its capacity for absolute domination over the body and psyche of the convicted person. Amid a widespread sense of crisis in public safety and demands for '*tough*' punitive responses, the preservation of solitary confinement serves an important electoral function, signalling the authorities' resolve.

If Foucault described the transition from sovereign punishment to disciplinary surveillance as the third major transformation of social control systems, then contemporary penology provides grounds to speak of the emergence of a fourth model – one that combines digital surveillance, algorithmic risk management, hybrid forms of control beyond institutional walls, and the simultaneous intensification of repressive regimes for 'unmanageable' segments of the population.

In this context, solitary confinement is not an anachronism – a relic of a barbaric past gradually fading under the pressure of civilisational progress. On the contrary, it is a functional element of the new architecture of control, serving as a last resort in the hierarchy of coercion. The more sophisticated and dispersed the system of surveillance outside the walls becomes, the harsher and more concentrated the regime applied to those whom this dispersed system has deemed 'ineffective' subjects of correction.

The paradox, therefore, is merely illusory: the expansion of prisoners' rights and the humanisation of prison conditions for the '*reformed majority*' are entirely compatible with the preservation and intensification of isolation regimes for the '*unreformed minority*'.

All of the above indicate that the academic and human rights discourse surrounding solitary confinement requires a radically critical reorientation. It is not enough to document violations of standards and call for their observance – though this task remains urgent. We must ask a deeper question: in the interests of which social forces does solitary confinement exist, and what structural transformations could undermine those interests?

As long as this problem is analysed exclusively through a technical-legal lens – as a matter of compliance or non-compliance with international standards – the system will reproduce itself, adapting its discourse to new normative frameworks while keeping the practice of solitary confinement unchanged. Critical penology, which integrates legal analysis with the theory of social control, the political economy of punishment, and the analysis of power structures, is not an academic luxury but a prerequisite for intellectual integrity.

### **Conclusion: The Persistence of Solitary Confinement as a Structural Paradox**

The foregoing analysis leads to a conclusion that is, at once, both methodologically novel and deeply disquieting: the debate surrounding solitary confinement in contemporary penology has, without adequate acknowledgement, passed through a decisive threshold. The question '*Is solitary confinement harmful?*' is no longer a legitimate object of scientific inquiry. It is an axiom. Decades of clinical observation, criminological research, and systematic human rights monitoring – culminating in the Mandela Rules, the evolving standards of the CPT, and a substantial body of jurisprudence from the ECtHR – have produced an irrefutable empirical foundation. The destructive impact of isolation upon the physical and mental health of the confined person, its failure to reduce destructive behaviour, and its documented tendency to provoke self-harm, suicide attempts, and profound psychological disintegration: all of this belongs not to the domain of contested hypotheses but to the domain of established fact.

The corollary of this methodological repositioning is significant. To continue constructing academic debate around the harmfulness of solitary confinement is to waste intellectual resources answering a question that science has long since settled. The genuine analytical problem – the one that defines the 21st-century penological discourse – is both deeper and more unsettling: why, despite more than half a century of continuous empirical research, and despite the historically instructive catastrophes of the *Auburn* and *Pennsylvania* prison systems, does solitary confinement not merely persist but remain a widespread and structurally embedded practice across the vast majority of the world's correctional systems?

The answer, we argue, cannot be found within the normative layer of prison law alone. It must be sought at the intersection of institutional logic, political economy, and the sociology of punishment.

### **I. From Exception to System: The Arithmetic of Institutional Failure**

Official penitentiary doctrine consistently frames solitary confinement as an *extraordinary measure* – an exceptional deviation from the general rule of communal imprisonment, justified either by the need to protect a specific individual from the prisoner population, or to protect the population from that individual. Both scenarios presuppose the atypical, temporary, and individualised character of the intervention. The underlying formal logic is coherent, and in genuinely extreme circumstances may carry legal justification.

That logic collapses, however, when empirical reality reveals that 10% of a given institution's population is held in conditions of solitary confinement. When one in ten inmates occupies a situation designed as a rare exception, the category of exception has been abolished. What persists is not an individualised protective measure but a *structural mechanism of social control* – one that speaks directly to the absence of effective static and dynamic security within the institution, to the failure of socio-educational engagement, and to the non-realisation of the declared rehabilitative purpose of punishment.

In this sense, the proportion of inmates held in solitary confinement – considered in conjunction with its duration and the legal grounds invoked for its application – constitutes a highly significant, if indirect, diagnostic indicator of the overall *health of a prison* and, by extension, of the prison system as a whole. It is an indicator that must be treated as analytically indispensable in any serious assessment of prison policy.

And it is, for precisely this reason, an indicator that states have strong institutional incentives to obscure. The degree of transparency with which a state discloses the actual number of individuals held in isolation within its prisons thus functions as a proxy for the integrity of its entire prison system.

## II. The Geometry of Control: Informal Hierarchies

The arithmetic of solitary confinement cannot be read in isolation from the specific structural conditions of the prison system under examination. The central question underlying any use of isolation is deceptively simple but analytically decisive: whom are we placing in isolation, separating them from whom, and with what purpose – that is, whom are we protecting, and from whom?

In the context of post-Soviet prison systems – as well as those of many Latin American states and, in significant respects, the United States – the answer to this question reveals a distinctive and deeply troubling dynamic. These systems are characterised by the deep structural entrenchment of informal prison hierarchies, which in many cases exercise *de facto* governance over the internal life of the institution, rendering the state's nominal authority over its correctional facilities largely fictitious. In this context, solitary confinement is deployed not as an individualised response to a specific danger but as a last-resort instrument through which the state attempts to reassert a semblance of control that it has effectively lost – protecting the general prisoner population, or at least a substantial portion of it, from the violence and coercion exercised by criminal hierarchies that the administration is otherwise unable or unwilling to suppress.

This context transforms the functional argument for solitary confinement. The isolation of leaders of organised criminal groups who are capable of directing criminal activity even from within a shared cell, or the protective isolation of individuals targeted for retaliation – those suspected of cooperating with law enforcement or convicted of offences against minors – is presented as the only practically available risk-management tool. From a scientific standpoint, such situations can be addressed through *alternative mechanisms*: prisoner reclassification systems, small-group regimes (step-down units), and structured therapeutic programmes. The reality, however, is that implementing such alternatives requires substantial resources, qualified personnel, and long-term institutional commitment – preconditions that most prison systems lack, and that post-Soviet correctional institutions, operating under conditions of chronic underfunding and, in the Ukrainian case, of active armed conflict, conspicuously lack. The functional argument for solitary confinement is therefore less a justification for isolation than a symptom of systemic institutional underdevelopment.

## III. Semantic Camouflage and the Substitution of Practices

A further structural mechanism sustaining the practice of isolation is its systematic terminological transformation. Even in the absence of a formal *de jure* prohibition, penal systems demonstrate a powerful tendency to reproduce isolation under alternative designations: *'protective placement'*, *'disciplinary quarantine'*, *'medical isolation'*, *'special units for enhanced rehabilitation'*, *'intensive care wards'*, or *'individual psychological support programmes'*. The form changes; the terminology is periodically refreshed, but the substance is unaltered. The person is isolated. The person is deprived of meaningful social contact. The person is held in conditions that objectively undermine their mental health. A cosmetic renaming does not alter the nature of the practice and offers no resolution to the underlying problem.

This terminological substitution performs a precise legal function: it allows administrations to avoid the formal classification of a given situation as 'solitary confinement' – as defined by Rule 44 of the Mandela Rules, which caps permissible duration at 15 days – and consequently to circumvent the procedural and substantive safeguards that attach to that classification. Rule 44 becomes a declarative norm in the absence of independent monitoring and enforcement mechanisms capable of piercing the semantic veil. The paradox is well-established: a formal prohibition is inscribed in legislation while functional isolation persists *de facto*. This gap between norm and practice constitutes one of the principal structural obstacles to any genuine abolitionist project.

## IV. The Political Economy of Punishment

The persistence of solitary confinement cannot be adequately explained without attending to its political economy. Reforming isolation regimes requires political will – and such will runs directly counter to the prevailing electoral logic of demonstrating rigour toward crime. Prison administrations rely on isolation as their primary disciplinary instrument; prison officers' unions actively resist reform on the grounds

of institutional safety; and legislators invoke stringent isolation regimes as a symbolic response to high-profile criminal events.

This reveals a further dimension of the problem: solitary confinement performs an *expressive* as well as an *instrumental* function. Its *symbolic role* – demonstrating state intransigence toward criminality, signalling moral severity to the electorate – operates independently of any demonstrable penological rationale. There exists no scientifically verified evidence supporting a rehabilitative function for isolation regimes. The empirical record is, in this respect, wholly negative. Yet the practice endures. This disproportion between evidentiary foundation and institutional persistence confirms that the debate surrounding solitary confinement is, to a considerable extent, not a debate about security at all, but about the symbolic politics of punishment – about what it means for a state to be seen to punish.

### V. The Legal Framework and Its Structural Limitations

The legal architecture governing solitary confinement reflects and reinforces this situation. The European Convention on Human Rights establishes no absolute prohibition on isolation as such. In *Öcalan v. Turkey*, *Rohde v. Denmark*, and *Ramirez Sanchez v. France*, the Court assessed the overall conditions of detention rather than treating solitary confinement as a categorically prohibited act. A violation of Article 3 was found only where complete sensory deprivation was established, where the regime had been applied for an excessive and unjustified duration, or where it had been imposed without any effective judicial or prosecutorial oversight.

This approach – anchored in a comprehensive, contextualised assessment of circumstances rather than categorical prohibition – leaves states with significant interpretive latitude and substantially complicates the development of a clear, operationally applicable legal standard at the level of national prison systems. The absence of a single authoritative definition of solitary confinement exacerbates this difficulty. The CPT, the Mandela Rules, and the Court itself apply varying criteria: the number of hours spent outside the cell, the nature of social contact (with other inmates or with staff only), and duration – since short-term isolation and chronic isolation are qualitatively distinct phenomena with different psychological consequences. This conceptual ambiguity affords states considerable space for definitional manipulation: *formally* abolishing ‘solitary confinement’ while maintaining the practice of functional isolation that does not satisfy the criteria of the formally prohibited regime.

### VI. The Structural Paradox and its Implications

Taken together, these considerations yield a central penological paradox: solitary confinement persists not because it is effective – no scientifically verified evidence supports any rehabilitative function of the isolation regime, while its destructive psychiatric consequences are extensively and unambiguously documented – but because it is *institutionally convenient*: as a *disciplinary instrument* for prison administrations, as a *political symbol* of criminal justice rigour, and as a *substitute* for the systemic reform that chronic resource constraints and political calculation render perpetually deferred.

The transformation of an exceptional measure into a systemic, consistent, and long-term practice is, in this reading, not merely an administrative anomaly. It is direct and irrefutable evidence that the prison system itself is *not* functioning as declared: that neither static nor dynamic security is being ensured, that adequate socio-educational work with the prisoner population is absent, and that the formal rehabilitative objectives of punishment are not being realised. Solitary confinement, at scale, becomes not a tool of institutional management but a symptom of *institutional failure* – the penultimate recourse of a system that has exhausted its other mechanisms of governance, or never developed them in the first place.

Complete abolition would require not merely a legislative norm but a profound restructuring of the entire logic of imprisonment – a transition from a custodial to a genuinely rehabilitative model, entailing large-scale investment in physical and human infrastructure, systematic staff retraining, the dismantling of entrenched informal prison hierarchies, and a fundamental reorientation of public expectations regarding the purposes of punishment. The analytical framework proposed in this study – integrating quantitative data on the proportion of isolated inmates, the structural conditions of prison governance, the sociology of informal hierarchies, and the political economy of penal symbolism – offers, we believe, a more adequate and intellectually honest basis for that transformation than any approach that continues to debate what has long since been established.

Until that transformation occurs, solitary confinement will remain a *de facto* component of prison systems across the world, irrespective of how it is designated *de jure*. The arithmetic and geometry

of isolation are not complicated. What they reveal, however, is a picture of state power exercised at its most opaque and, by the evidence of contemporary penology, at its most counterproductive.

**Acknowledgements.** None.

**Conflict of Interests.** None.

## References:

- Barkway, K., & Turcotte, A. (2022). Solitary Confinement in British Columbia, Canada. In: Shalev, S. *Mapping Solitary Confinement*. [www.solitaryconfinement.org/\\_files/ugd/Mapping-Solitary-Confinement-Canada-British-Columbia.pdf](http://www.solitaryconfinement.org/_files/ugd/Mapping-Solitary-Confinement-Canada-British-Columbia.pdf)
- Biggs, B. S. (2009). Solitary Confinement: A Brief History (From Quaker Logic to America's First Electric Chair, A Quick Tour of Prisons Past). *Mother Jones*. [www.motherjones.com/politics/2009/03/solitary-confinement-brief-natural-history/](http://www.motherjones.com/politics/2009/03/solitary-confinement-brief-natural-history/)
- Blackwell, C. (2025). A Brief History of Solitary Confinement in America. *Jewish Currents*. <https://jewishcurrents.org/a-brief-history-of-solitary-confinement-in-america>
- Blanc, J.-S. (2019). United States: Does Solitary Confinement Make Inmates More Likely to Reoffend? *Prison Insider*. [www.prison-insider.com/en/articles/united-states-does-solitary-confinement-make-inmates-more-likely-to-reoffend](http://www.prison-insider.com/en/articles/united-states-does-solitary-confinement-make-inmates-more-likely-to-reoffend)
- Brox, J. (2023). The Silent Treatment: Solitary Confinement's Unlikely Origins. *The Public Domain Review*. <https://publicdomainreview.org/essay/silent-treatment/>
- California Department of Corrections and Rehabilitation (2026). *Restricted Housing*. Division of Adult Institutions (DAI). [www.cdcr.ca.gov/adult-operations/restricted-housing](http://www.cdcr.ca.gov/adult-operations/restricted-housing)
- Clark, A. (2017). Juvenile Solitary Confinement as a Form of Child Abuse. *The Journal of the American Academy of Psychiatry and the Law*, 45(3), 350-357.
- Clark, V., & Duwe, G. (2019). From Solitary to the Streets: The Effect of Restrictive Housing on Recidivism. *Corrections*, 4(4), 235-251.
- Cohen, F. (2008). Penal Isolation. *Criminal Justice and Behavior*, 35, 1017-1047.
- College of Family Physicians of Canada (2012). Solitary Confinement. Position Statement. [www.cfpc.ca/CFPC/media/Resources/Prison-Health/2012-12-Solitary-Confinement-EN-FINAL.pdf](http://www.cfpc.ca/CFPC/media/Resources/Prison-Health/2012-12-Solitary-Confinement-EN-FINAL.pdf)
- Correctional Service Canada (2021). *Structured Intervention Units: Overview*. [www.canada.ca/en/correctional-service/corporate/library/offenders/structured-intervention-units/overview.html](http://www.canada.ca/en/correctional-service/corporate/library/offenders/structured-intervention-units/overview.html)
- Council of Europe (2003a). *CPT Report on Bosnia and Herzegovina*. <https://www.coe.int/en/web/cpt/bosnia-and-herzegovina>
- Council of Europe (2003b). *CPT Report on Croatia*. <https://rm.coe.int/168069555e>
- Council of Europe (2004). *CPT Report on Cyprus*. <https://rm.coe.int/1680695598>
- Council of Europe (2005a). *CPT Report on Albania*. <https://www.coe.int/en/web/cpt/albania>
- Council of Europe (2005b). *CPT Report on Turkey*. <https://rm.coe.int/168069824a>
- Council of Europe (2006). *CPT Report on Armenia*. <https://rm.coe.int/168066d074>
- Council of Europe (2007a). *CPT Report on the Netherlands (Aruba)*. <https://rm.coe.int/1680697831>
- Council of Europe (2007b). *CPT Report on Switzerland*. <https://www.coe.int/en/web/cpt/switzerland>
- Council of Europe (2008a). *CPT Report on Finland*. <https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-publishes-report-on-finla-1>
- Council of Europe (2008b). *CPT Report on the UK*. <https://www.coe.int/fi/web/cpt/-/council-of-europe-anti-torture-committee-publishes-report-on-the-united-kingdom>
- Council of Europe (2009a). *CPT Report on Greece*. <https://www.coe.int/en/web/cpt/greece>
- Council of Europe (2009b). *CPT Report on Hungary*. <https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-publishes-report-on-hunga-2>
- Council of Europe (2011). *CPT Report on Switzerland*. <https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-publishes-report-on-switzerla-1>
- Council of Europe (2012a). *CPT Report on Italy*. <https://rm.coe.int/168069727a>
- Council of Europe (2012b). *CPT Report on Russian Federation*. <https://rm.coe.int/1680697bd6>
- Council of Europe (2013a). *CPT Report on Germany*. <https://www.coe.int/en/web/cpt/germany>
- Council of Europe (2013b). *CPT Report on Hungary*. <https://rm.coe.int/1680696b7f>
- Council of Europe (2013c). *CPT Report on Portugal*. <https://rm.coe.int/16806979c5>
- Council of Europe (2013b). *CPT Report on Turkey*. [https://www.coe.int/en/web/portal/news-2013/-/asset\\_publisher/TEHtOeUO1Ozc/content/anti-torture-committee-publishes-report-on-turkey](https://www.coe.int/en/web/portal/news-2013/-/asset_publisher/TEHtOeUO1Ozc/content/anti-torture-committee-publishes-report-on-turkey)
- Council of Europe (2014a). *CPT Report on Denmark*. <https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-publishes-report-on-denmark>
- Council of Europe (2014b). *CPT Report on North Macedonia*. <https://www.coe.int/en/web/cpt/north-macedonia>

- Council of Europe (2015). *CPT Report on Germany*. <https://www.coe.int/en/web/cpt/germany>
- Council of Europe (2017). *CPT Report on Estonia*. <https://www.coe.int/en/web/cpt/estonia>
- Council of Europe (2018). *CPT Report on Hungary*. <https://rm.coe.int/16808d6f12>
- Council of Europe (2019a). *CPT Report on Italy*. <https://rm.coe.int/16809986b6>
- Council of Europe (2019b). *CPT Report on Russian Federation*.  
[https://www.coe.int/en/web/portal/home/-/asset\\_publisher/CWAECqDHgT3y/content/anti-torture-committee-publishes-report-on-russian-federati-1](https://www.coe.int/en/web/portal/home/-/asset_publisher/CWAECqDHgT3y/content/anti-torture-committee-publishes-report-on-russian-federati-1)
- Council of Europe (2019c). *CPT Report on United Kingdom*.  
<https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-publishes-report-on-the-united-kingdom-focusing-on-scottish-prisons>
- Council of Europe (2019d). *Norway Should Improve the Situation for Prisoners in Solitary Confinement*.  
[www.coe.int/en/web/cpt/-/norway-should-improve-the-situation-for-prisoners-in-solitary-confinement](http://www.coe.int/en/web/cpt/-/norway-should-improve-the-situation-for-prisoners-in-solitary-confinement)
- Council of Europe (2024). *CPT Report on Czechia*.  
<https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-cpt-publishes-report-on-its-2024-periodic-visit-to-czechia>
- Dube, P. (2017). Ontario Prisons Use Solitary Confinement Too Often and for The Wrong Reasons. *Ombudsman Ontario*. [www.ombudsman.on.ca/en/news/speeches-and-articles/ontario-prisons-use-solitary-confinement-too-often-and-wrong-reasons-tvo](http://www.ombudsman.on.ca/en/news/speeches-and-articles/ontario-prisons-use-solitary-confinement-too-often-and-wrong-reasons-tvo)
- European Committee for the Prevention of Torture (2025). *Informal Prisoner Hierarchy: Prison Standard CPT/Inf*. <https://rm.coe.int/1680b57a6a>
- European Union Agency for Fundamental Rights (2023). *Germany – Solitary Confinement. Anti-Muslim Hatred Database*. <https://fra.europa.eu/en/databases/anti-muslim-hatred/node/7897>
- European Union Agency for Fundamental Rights (2024). *Criminal Detention Conditions – Bulgaria*.  
<https://fra.europa.eu/en/databases/criminal-detention/node/7867>
- European Union Agency for Fundamental Rights (2025). *Criminal Detention in the EU: Conditions and Monitoring – United Kingdom: England and Wales*.  
<https://fra.europa.eu/en/databases/criminal-detention/node/8117>
- European Union Agency for Fundamental Rights (2026). *Criminal Detention Conditions – Croatia: 1. National standard, 1.1. Minimum space. FRA – European Union Agency for Fundamental Rights*.  
<https://fra.europa.eu/en/databases/criminal-detention/node/7967>
- Federal Bureau of Prisons (2024). Special Housing Units (Program Statement 5270.12). *U.S. Department of Justice*. [www.bop.gov/policy/progstat/5270.12.pdf](http://www.bop.gov/policy/progstat/5270.12.pdf)
- Gallagher, L. (2014). More Than a Time Out: Juvenile Solitary Confinement. *UC Davis Journal of Juvenile Law & Policy*, 18(2), 244-266.
- Ghafar, M. (2017). Exiting Solitary Confinement: A Survey of State Correctional Policies. *UCLA Law Review*, 64(2).
- Goodman, C., et al. (2022). Solitary Confinement: From Its Origins to Reparations For Its Survivors. *University of North Carolina School of Law Human Rights Policy Lab*. <https://law.unc.edu/wp-content/uploads/2022/08/solitaryconfinementreparations.pdf>
- Grassian, S. (1983). Psychopathological Effects of Solitary Confinement. *The American Journal of Psychiatry*, 140(11), 1450-1454.
- Haney, C. (2019). Solitary Confinement, Loneliness, and Psychological Harm. In: J. Lobel & P. Scharff Smith (eds.) *Solitary Confinement: Effects, Practices, and Pathways Toward Reform*. University of California Press, 129-152.
- Haney, C., & Lynch, M. (1997). Regulating Prisons of the Future: A Psychological Analysis of Supermax and Solitary Confinement. *N.Y.U. Review of Law & Social Change*, 23(4), 477-570.
- Harrington, M. (2015). Methodological Challenges to the Study and Understanding of Solitary Confinement. *Federal Probation*, 79(3), 45-47.
- Henry, B. (2022). Disparities in Use of Disciplinary Solitary Confinement by Mental Health Diagnosis, Race, Sexual Orientation and Sex: Results From a National Survey in the United States of America. *Criminal Behaviour and Mental Health*, 32(2), 114-123.
- HM Inspectorate of Prisons (2023). *Isolation in Detention: A Thematic Review*.  
<https://cdn.websitebuilder.service.justice.gov.uk/uploads/sites/23/2023/07/Isolation-in-Detention.pdf>
- James, K., & Vanko, E. (2021). The Impacts of Solitary Confinement. Evidence Brief. *Vera Institute of Justice*.  
<https://vera-institute.files.svdcdn.com/production/downloads/publications/the-impacts-of-solitary-confinement.pdf>
- Labrecque, R. (2015). The Effect of Solitary Confinement on Institutional Misconduct: A Longitudinal Evaluation. Publication No. 249013. *Doctoral Dissertation*. University of Cincinnati: ProQuest Dissertations and Theses Global.
- LeMasters, K., et al. (2025). The Use of Solitary Confinement and in-Custody Mortality in North Carolina State Prisons, 2021–2023. *SSM – Population Health*, 32, 101865.

- Luigi, M., et al. (2022). Solitary Confinement of Inmates Associated With Relapse Into Any Recidivism Including Violent Crime: A Systematic Review and Meta-Analysis. *Trauma, Violence, & Abuse*, 23(2), 444-456.
- Madrid v. Gomez*, 889 F. Supp. 1146 (N.D. Cal. 1995). <https://law.justia.com/cases/federal/district-courts/FSupp/889/1146/1904317>
- Martynowicz, A., & Moore, L. (2018). 'Behind the Door': Solitary Confinement in the Irish Penal System. *Irish Penal Reform Trust*. [www.iprt.ie/site/assets/files/6439/solitary\\_confinement\\_web.pdf](http://www.iprt.ie/site/assets/files/6439/solitary_confinement_web.pdf)
- Medley, Petitioner*, 134 U.S. 160 (1890).
- Messina v. Italy* (No. 2). App. No. 25498/94 (ECHR 2000).
- Morris, R. (2015). Exploring the Effect of Exposure to Short-Term Solitary Confinement Among Violent Prison Inmates. *Journal of Quantitative Criminology*, 32, 10.
- National Institute of Justice (2016). *Restrictive Housing in the U.S.: Issues, Challenges, and Future Directions*. U.S. Department of Justice, Office of Justice Programs. [www.ojp.gov/pdffiles1/nij/grants/249013.pdf](http://www.ojp.gov/pdffiles1/nij/grants/249013.pdf)
- New York Advisory Committee to the U.S. Commission on Civil Rights (2014). *The Solitary Confinement of Youth in New York: A Civil Rights Violation*. U.S. Commission on Civil Rights. December.
- Penal Reform International (2022). *Deaths in Prison: Examining Causes, Responses, and Prevention of Deaths in Prison Worldwide*. December. <https://cdn.penalreform.org/wp-content/uploads/2022/12/Deaths-in-prison-briefing.pdf>
- Public Safety Canada (2024). *Solitary Confinement and the Structured Intervention Units in Canada's Penitentiaries: The Final Report of the SIU IAP*. December 5. [www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2024-siu-iap-sltry-cnfmnt/index-en.aspx](http://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/2024-siu-iap-sltry-cnfmnt/index-en.aspx)
- Pullen-Blasnik, H., et al. (2021). The Population Prevalence of Solitary Confinement. *Science Advances*, 7(48).
- Ramirez Sanchez v. France [GC]*, No. 59450/00, ECHR 2006-IX (July 4, 2006).
- Reiter, K. (2018). The International Persistence and Resilience of Solitary Confinement. *Oñati Socio-legal Series*, 8(2), 247-266.
- Rubin, A. (2021). *Solitary Confinement in Nineteenth-Century Prisons. Fifteneightyfour: Academic Perspectives from Cambridge University Press*. February 25. <https://cambridgeblog.org/2021/02/solitary-confinement-in-nineteenth-century-prisons/>
- Rubin, A., & Reiter, K. (2018). Continuity in the Face of Penal Innovation: Revisiting the History of American Solitary Confinement. *Law & Social Inquiry*, 43(4), 1604-1632.
- Segregated Confinement*, Assemb. B. 280, 2023-2024 Reg. Sess. (Cal. 2023). [https://leginfo.ca.gov/faces/billCompareClient.xhtml?bill\\_id=202320240AB280](https://leginfo.ca.gov/faces/billCompareClient.xhtml?bill_id=202320240AB280)
- Shalev, S. (2008). *A Sourcebook on Solitary Confinement*. Mannheim Centre for Criminology: London School of Economics and Political Science.
- Shalev, S. (2022). 30 Years of Solitary Confinement: What Has Changed, and What Still Needs to Happen. *Torture Journal*, 32(1-2).
- Silverthorn, R., & Zgoba, K. (2024). Unlocking the Truth: Exploring the Impacts of Solitary Confinement on Recidivism and the Need for Mental Health Support for Individuals With Mental Illnesses. *American Journal Of Criminal Justice*, 49(1).
- Smith, P. (2019). Solitary Confinement – Effects and Practices from the Nineteenth Century until Today. In: Lobel, J., & Smith, P.S., *Solitary Confinement. Effects, Practices, and Pathways Toward Reform*. Oxford University Press, 21-42.
- Sokalska, O. (2025). Penitentiary Systems Evolution in the Context of Corrective Punishment Ideas Development (16th – early 19th centuries). *Publish Pro*. <https://doi.org/10.33663/978-617-8247-76-8>
- Solitary Watch (2023). *Solitary Confinement and Prison Safety (Fact Sheet No. 4)*. February. <https://solitarywatch.org/wp-content/uploads/2023/02/SW-Fact-Sheet-4-Prison-Safety-v230228.pdf>
- Solitary Watch (2025). *Frequently Asked Questions About Solitary Confinement*. <https://solitarywatch.org/facts/faq>
- Solitary Watch (2026). *Fact Sheet: Solitary Confinement and the Law*. <https://solitarywatch.org/wp-content/uploads/2011/06/FACT-SHEET-Solitary-Confinement-and-the-Law1.pdf>
- South Africa (1998). Correctional Services Act 111 of 1998. *Government Gazette*. [www.gov.za/documents/correctional-services-act](http://www.gov.za/documents/correctional-services-act)
- Strafvollzugsgesetz (1976). *[StVollzG]*. [www.gesetze-im-internet.de/stvollzg/\\_89.html](http://www.gesetze-im-internet.de/stvollzg/_89.html)
- Strong, J., et al. (2020). The Body in Isolation: The Physical Health Impacts of Incarceration in Solitary Confinement. *National Library of Medicine*, 15(10). <https://pubmed.ncbi.nlm.nih.gov/articles/PMC7546459>
- Students for Prison Education, Abolition, and Reform (2026). *Facts About Solitary Confinement*. [www.princetonpear.com/7x9-fact-sheet](http://www.princetonpear.com/7x9-fact-sheet)
- The International Psychological Trauma Symposium (2007). The Istanbul Statement on the Use And Effects of Solitary Confinement. *International Psychological Trauma Symposium*. December 9. [www.solitaryconfinement.org/\\_files/ugd/Istanbul\\_expert\\_statement\\_on\\_sc.pdf](http://www.solitaryconfinement.org/_files/ugd/Istanbul_expert_statement_on_sc.pdf)
- The Prison Rules (1999). *England and Wales (SI 1999/728)*. [www.legislation.gov.uk/uksi/1999/728/article/45/made](http://www.legislation.gov.uk/uksi/1999/728/article/45/made)

- UN Committee against Torture (2017). *Concluding Observations on the Second Periodic Report of Ireland*. Geneva: UN CAT.
- United Nations Office on Drugs and Crime (2011). *Handbook on Dynamic Security and Prison Intelligence*. United Nations Office on Drugs and Crime. [www.unodc.org/documents/justice-and-prison-reform/UNODC\\_Handbook\\_on\\_Dynamic\\_Security\\_and\\_Prison\\_Intelligence.pdf](http://www.unodc.org/documents/justice-and-prison-reform/UNODC_Handbook_on_Dynamic_Security_and_Prison_Intelligence.pdf)
- United Nations Office on Drugs and Crime (2015). *United Nations Standard Minimum Rules for the Treatment of Prisoners (The Nelson Mandela Rules)*. [www.unodc.org/documents/justice-and-prison-reform/Nelson\\_Mandela\\_Rules-E-ebook.pdf](http://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf)
- United Nations Office on Drugs and Crime (2016). *Handbook on the Management of High-Risk Prisoners (Criminal Justice Handbook Series)*. [www.unodc.org/documents/justice-and-prison-reform/HB\\_on\\_High\\_Risk\\_Prisoners\\_Ebook\\_appr.pdf](http://www.unodc.org/documents/justice-and-prison-reform/HB_on_High_Risk_Prisoners_Ebook_appr.pdf)
- United Nations, General Assembly (2011). Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: Interim Report of the Special Rapporteur on Torture (A/66/268). August 5. <https://undocs.org/en/A/66/268>
- Weinreich, S. (2022). *Slow Tampering: A History of Solitary Confinement: Doctoral Dissertation*. Princeton University. <http://arks.princeton.edu/ark:/88435/dsp019306t2530>
- Yagunov, D. (2010). Crisis of the Rehabilitation Ideal in the Research of Robert Martinson and Its Significance for the Modern Penal Policy. *South Ukrainian Law Journal*, 4, 28-30.
- Yagunov, D. (2023). A Simulacrum of Prison Subculture in the Practices of the European Court of Human Rights and the European Committee for the Prevention of Torture. *Evropský politický a právní diskurz* [European Political and Law Discourse], 10(2), 13-32.